

8/3/99

**Adopted**

## COMMUNITY DEVELOPMENT AGENCY

RESOLUTION # 15August 3<sup>rd</sup>, 1999

## AUTHORIZES CHAIRMAN TO EXECUTE LEASE AMENDMENT

COUNCILMAN KENT offered the resolution, which was seconded by  
COUNCILMAN CARDINALE.

WHEREAS, The Town of Riverhead Community Development Agency is the owner of certain real property located at Calverton, New York and known as the Calverton Enterprise Park; and

WHEREAS, pursuant to Community Development Agency Resolution #25, adopted September 8<sup>th</sup>, 1998, the Community Development Agency presently leases a building known as Plant #6 to the National Transportation Safety Board for the storage and reassembly of the TWA Flight 800 aircraft; and

WHEREAS, the National Transportation Safety Board desires to relocate the debris and reconstructed aircraft in a 40,000 sq. ft. portion of Plant #7, specifically described in Exhibit "B" of the lease Amendment attached hereto; and

WHEREAS, the Community Development Agency desires to accommodate the current needs of the National Transportation Safety Board pertaining to any continued investigation and retention of material involving TWA Flight 800.

THEREFORE BE IT RESOLVED, that the Community Development Agency hereby authorizes the Chairman to execute an Amendment to the lease dated September 10<sup>th</sup>, 1998 substantially in the form attached hereto between the Community Development Agency and National Transportation Safety Board.

Member Cardinale	Yes	No
Member Kent	Yes	No
Member Kwasna	Yes	No
Member Lull	Yes	No
Member Villella	Yes	No

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

AMENDMENT TO LEASE

THIS AMENDMENT TO LEASE (this "Amendment"), dated as of August 2, 1999, is made by and between THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY ("Landlord"), a New York public benefits corporation, and NATIONAL TRANSPORTATION SAFETY BOARD ("Tenant"), an independent establishment of the United States government.

W I T N E S S E T H:

WHEREAS, Landlord and Tenant are parties to that certain Lease dated as of September 10, 1998 (the "Original Lease" and, as modified hereby, the "Lease"; capitalized terms used but not defined herein shall have the meanings ascribed thereto in the Original Lease); and

WHEREAS, Landlord and Tenant desire to amend the Original Lease as set forth herein.

NOW, THEREFORE, Landlord and Tenant hereby agree as follows:

1. This Amendment will become effective as of the 1st day of September, 1999.

2. Notwithstanding anything to the contrary in the Original Lease, from and after the 1st day of September, 1999, the Original Lease shall be deemed modified as follows:

a. The Annual Base Rent (as defined in Section 1.1(a) of the Original Lease) for the period commencing September 1, 1999 and ending on August 31, 2000 shall be \$240,000.00 and shall be due and payable in full in advance on September 1, 1999. The Annual Base Rent for any period from and after September 1, 2000 shall be determined as provided in the Original Lease for Extension Periods and shall be payable in full in advance on September 1st of each Extension Period commencing from and after September 1, 2000.

b. The Estimated Annual Services Amount (as defined in Section 1.1(e) of the Original Lease) (i) for the period commencing September 1, 1999 and ending on August 31, 2000 shall be \$150,000 and (ii) for any period commencing from and after September 1, 2000 shall be determined as provided in the Original Lease for Periods succeeding the Initial Term. Commencing upon the transfer of the Premises to an entity that is not tax-exempt, the Annual Services Amount

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CLa

(as defined in Section 5.1(b)(i)) shall include a PILOT surcharge in the amount of \$.50 per rentable square foot due with respect to the Premises.

c. The Premises (as defined in Section 1.1(n) of the Original Lease) shall be deemed to refer to the southwest portion of that certain building commonly known as "Plant #7", which portion is approximately depicted by the shaded areas on Exhibit "B" attached hereto and consists of approximately but not more than 40,000 square feet in the aggregate and is located on the Land.

d. Exhibit "B" to the Original Lease shall be deemed deleted in its entirety and shall be replaced with Exhibit "B" attached hereto.

e. The Permitted Uses (as defined in Section 1.1(m) of the Original Lease) shall be deemed to be the investigation relating to TWA Flight 800 and/or storage of the wreckage related thereto and any uses related to the foregoing, in each case, to the extent permitted by applicable law.

f. Notwithstanding anything to the contrary in the Original Lease, Tenant shall have no right to terminate the Lease from the 1st day of September, 1999, through the 31st day of August, 2000. From and after the 1st day of September, 2000, Tenant shall have the right to terminate the Lease on at least 90 days written notice of termination to Tenant. In the event of a termination of the Lease prior to the end of a period for which Tenant shall have paid in advance any amounts due under the Lease, Tenant shall be entitled to be reimbursed in an amount equal to the portion of the amount so paid attributable to the period succeeding the date on which Tenant vacates the Premises.

3. Tenant shall have the right to occupy the Premises from and after August 2, 1999, in consideration of which right Tenant shall, simultaneously with the execution of the this Amendment, pay Landlord an amount equal to \$20,000 as reimbursement for the costs and expenses incurred by Landlord to prepare the Premises for Tenant's occupancy.

4. As amended by this Amendment, the terms of the Original Lease shall remain unmodified and in full force and effect.

CEA

IN WITNESS WHEREOF, the parties have executed this  
Amendment as of the 2nd day of August, 1999.

LANDLORD:

THE TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY,  
a New York public benefits  
corporation

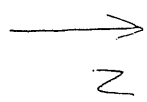
By: \_\_\_\_\_  
Its

TENANT:

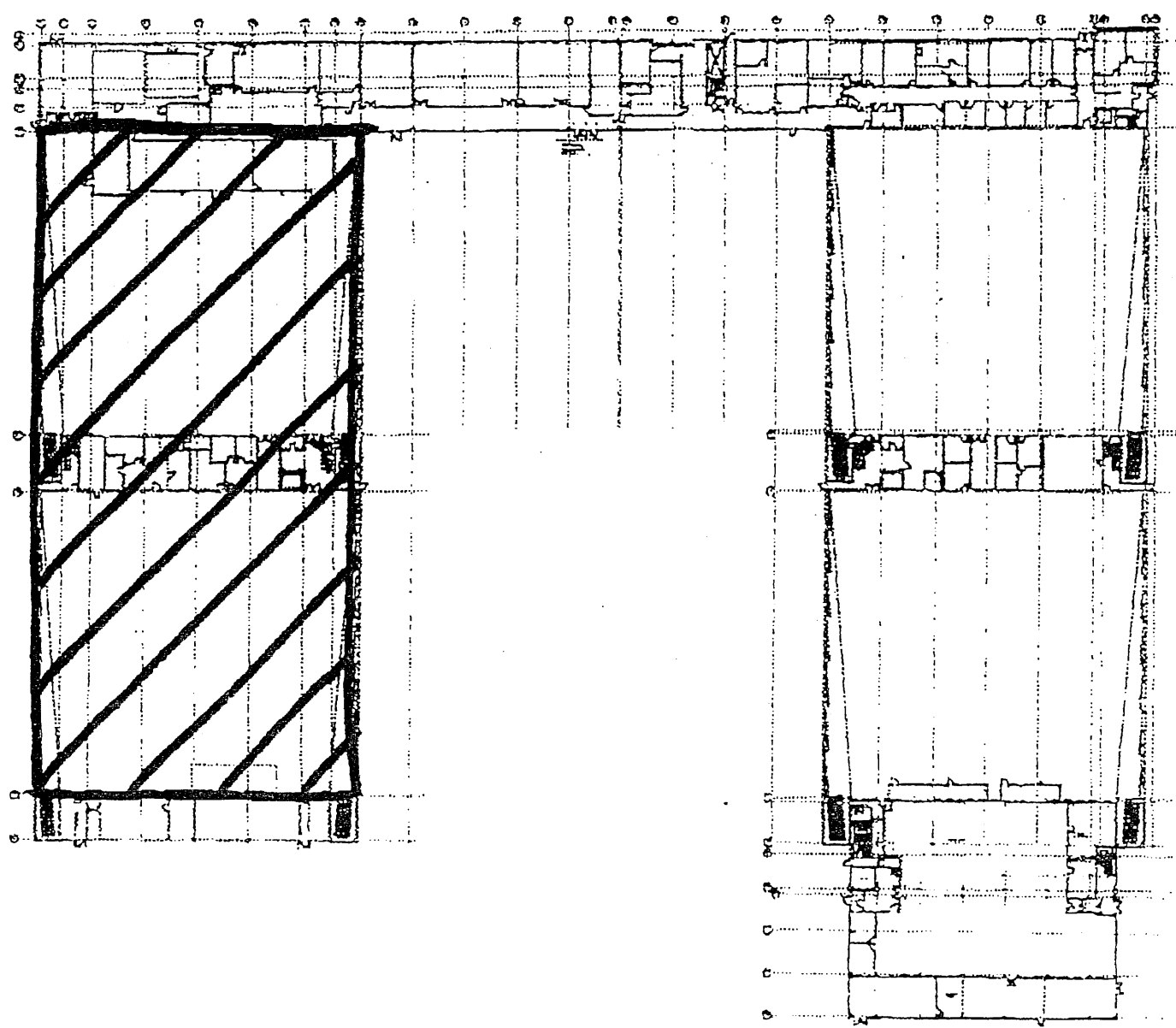
NATIONAL TRANSPORTATION SAFETY  
BOARD, an independent  
establishment of the United  
States government

By: Craig E. Keller Jr.  
Its

CER



Plant 7



8/3/99

**Adopted**

## COMMUNITY DEVELOPMENT AGENCY

RESOLUTION # 15August 3<sup>rd</sup>, 1999

## AUTHORIZES CHAIRMAN TO EXECUTE LEASE AMENDMENT

COUNCILMAN KENT offered the resolution, which was seconded by  
COUNCILMAN CARDINALE.

WHEREAS, The Town of Riverhead Community Development Agency is the owner of certain real property located at Calverton, New York and known as the Calverton Enterprise Park; and

WHEREAS, pursuant to Community Development Agency Resolution #25, adopted September 8<sup>th</sup>, 1998, the Community Development Agency presently leases a building known as Plant #6 to the National Transportation Safety Board for the storage and reassembly of the TWA Flight 800 aircraft; and

WHEREAS, the National Transportation Safety Board desires to relocate the debris and reconstructed aircraft in a 40,000 sq. ft. portion of Plant #7, specifically described in Exhibit "B" of the lease Amendment attached hereto; and

WHEREAS, the Community Development Agency desires to accommodate the current needs of the National Transportation Safety Board pertaining to any continued investigation and retention of material involving TWA Flight 800.

THEREFORE BE IT RESOLVED, that the Community Development Agency hereby authorizes the Chairman to execute an Amendment to the lease dated September 10<sup>th</sup>, 1998 substantially in the form attached hereto between the Community Development Agency and National Transportation Safety Board.

Member Cardinale	Yes	No
Member Kent	Yes	No
Member Kwasna	Yes	No
Member Lull	Yes	No
Member Villella	Yes	No

**THE VOTE**Cardinale ☒ Yes ☐ No Kent ☒ Yes ☐ NoKwasna ☒ Yes ☐ No Lull ☒ Yes ☐ NoVillella ☒ Yes ☐ NoTHE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

AMENDMENT TO LEASE

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W I T N E S S E T H:

WHEREAS, Landlord and Tenant are parties to that certain Lease dated as of September 10, 1998 (the "Original Lease" and, as modified hereby, the "Lease"; capitalized terms used but not defined herein shall have the meanings ascribed thereto in the Original Lease); and

WHEREAS, Landlord and Tenant desire to amend the Original Lease as set forth herein.

NOW, THEREFORE, Landlord and Tenant hereby agree as follows:

1. This Amendment will become effective as of the 1st day of September, 1999.

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a. The Annual Base Rent (as defined in Section 1.1(a) of the Original Lease) for the period commencing September 1, 1999 and ending on August 31, 2000 shall be \$240,000.00 and shall be due and payable in full in advance on September 1, 1999. The Annual Base Rent for any period from and after September 1, 2000 shall be determined as provided in the Original Lease for Extension Periods and shall be payable in full in advance on September 1st of each Extension Period commencing from and after September 1, 2000.

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CEA

(as defined in Section 5.1(b)(i)) shall include a PILOT surcharge in the amount of \$.50 per rentable square foot due with respect to the Premises.

c. The Premises (as defined in Section 1.1(n) of the Original Lease) shall be deemed to refer to the southwest portion of that certain building commonly known as "Plant #7", which portion is approximately depicted by the shaded areas on Exhibit "B" attached hereto and consists of approximately but not more than 40,000 square feet in the aggregate and is located on the Land.

d. Exhibit "B" to the Original Lease shall be deemed deleted in its entirety and shall be replaced with Exhibit "B" attached hereto.

e. The Permitted Uses (as defined in Section 1.1(m) of the Original Lease) shall be deemed to be the investigation relating to TWA Flight 800 and/or storage of the wreckage related thereto and any uses related to the foregoing, in each case, to the extent permitted by applicable law.

f. Notwithstanding anything to the contrary in the Original Lease, Tenant shall have no right to terminate the Lease from the 1st day of September, 1999, through the 31st day of August, 2000. From and after the 1st day of September, 2000, Tenant shall have the right to terminate the Lease on at least 90 days written notice of termination to Tenant. In the event of a termination of the Lease prior to the end of a period for which Tenant shall have paid in advance any amounts due under the Lease, Tenant shall be entitled to be reimbursed in an amount equal to the portion of the amount so paid attributable to the period succeeding the date on which Tenant vacates the Premises.

3. Tenant shall have the right to occupy the Premises from and after August 2, 1999, in consideration of which right Tenant shall, simultaneously with the execution of the this Amendment, pay Landlord an amount equal to \$20,000 as reimbursement for the costs and expenses incurred by Landlord to prepare the Premises for Tenant's occupancy.

4. As amended by this Amendment, the terms of the Original Lease shall remain unmodified and in full force and effect.

CEX

IN WITNESS WHEREOF, the parties have executed this  
Amendment as of the 2nd day of August, 1999.

LANDLORD:

THE TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY,  
a New York public benefits  
corporation

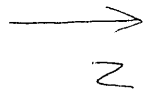
By: \_\_\_\_\_  
Its

TENANT:

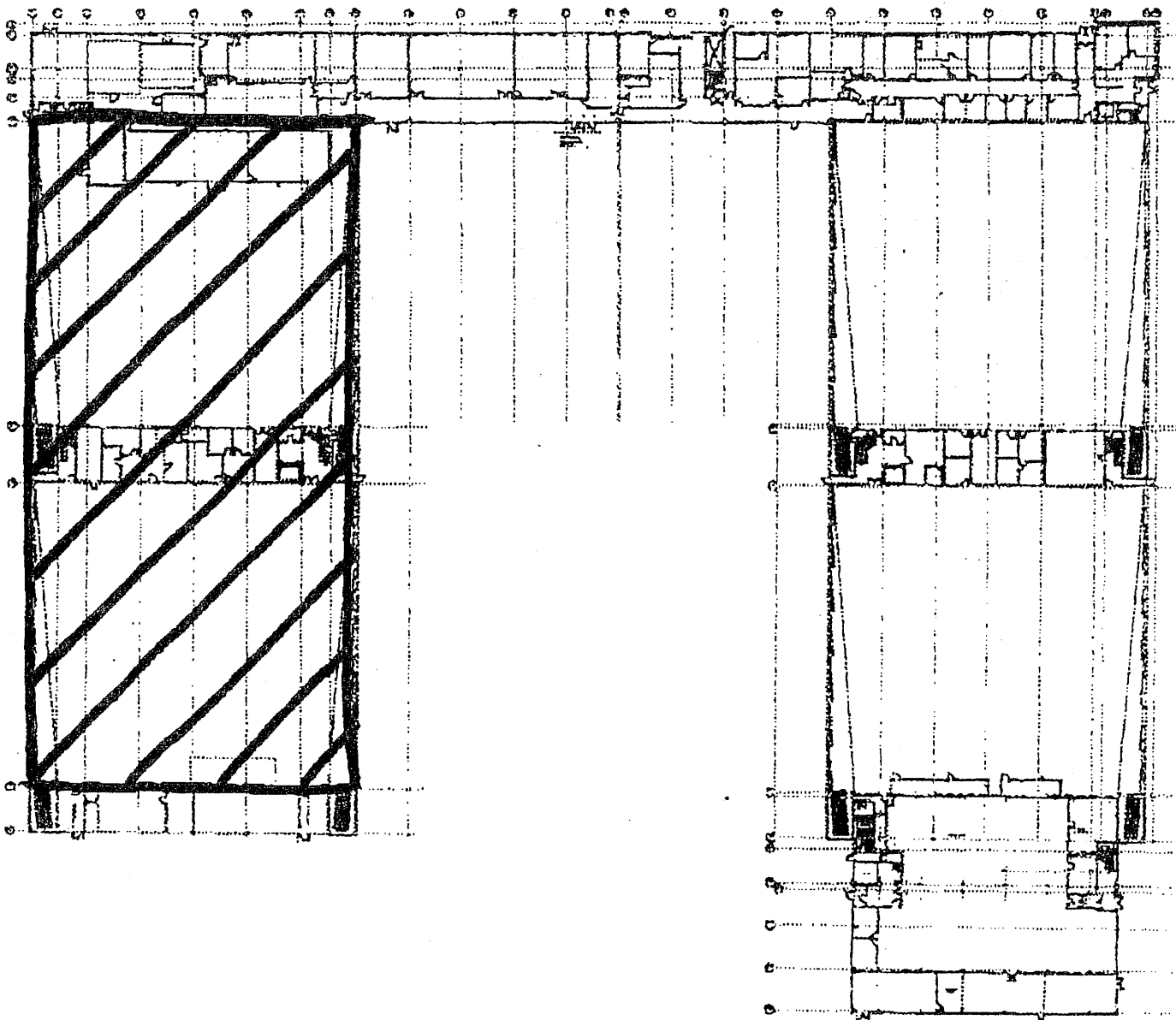
NATIONAL TRANSPORTATION SAFETY  
BOARD, an independent  
establishment of the United  
States government

By: Craig E. Keller Jr.  
Its

CEK



Plant 7



08/03/99

**Adopted****TOWN OF RIVERHEAD**Resolution # 691**APPOINTS PROVISIONAL ACCOUNT CLERK TYPIST  
IN THE PLANNING DEPARTMENT**

Councilman Kwasna offered the following  
resolution, which was seconded by Councilman Kent

**WHEREAS**, there is a need for additional clerical personnel in the Planning Department, and

**WHEREAS**, the Suffolk County Department of Civil Service has notified the Town of Riverhead that the Account Clerk Typist List #99A-298 has been exhausted, and thereby the Department has approved a provisional appointment; and

**WHEREAS**, the position was duly posted, applicants have been interviewed and a recommendation was made to the Town Board Personnel Committee; and

**NOW, THEREFORE, BE IT RESOLVED**, that effective August 16, 1999, the Town Board hereby appoints Billy Jo Jaeger to the provisional position of Account Clerk Typist on Group 9 Step P of the Clerical and Supervisory Salary Schedule of the CSEA Contract; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Billy Jo Jaeger, the Planning Department, and the Office of Accounting.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐  
THEREUPON DULY DECLARED ADOPTED

08/03/99

**Adopted****TOWN OF RIVERHEAD**Resolution # 692**APPOINTS PROVISIONAL ACCOUNT CLERK TYPIST  
IN THE BUILDING DEPARTMENT**

COUNCILMAN LULL offered the following  
 resolution, which was seconded by COUNCILMAN CARDINALE

**WHEREAS**, there is a need for additional clerical personnel in the Building Department, and

**WHEREAS**, the Suffolk County Department of Civil Service has notified the Town of Riverhead that the Account Clerk Typist List #99A-298 has been exhausted, and thereby the Department has approved a provisional appointment; and

**WHEREAS**, the position was duly posted, applicants have been interviewed and a recommendation was made to the Town Board Personnel Committee; and

**NOW, THEREFORE, BE IT RESOLVED**, that effective August 9, 1999, the Town Board hereby appoints Theresa Davis to the provisional position of Account Clerk Typist on Group 9 Step P of the Clerical and Supervisory Salary Schedule of the CSEA Contract; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Theresa Davis, the Building Department, and the Office of Accounting.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐  
 THEREUPON DULY DECLARED ADOPTED

08/03/99

# Adopted

## TOWN OF RIVERHEAD

Resolution # 693

## APPOINTS BUS DRIVER TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN CARDINALE

\_\_\_\_\_ offered the following  
COUNCILMAN KENT  
resolution, which was seconded by \_\_\_\_\_

**RESOLVED**, that Michael Slovensky is hereby appointed to serve as a Bus Driver, effective August 4, 1999 to and including December 31, 1999, to be paid at the rate of \$10.90 per hour, and to serve at the pleasure of the Town Board; and

**BE IT FURTHER, RESOLVED**, that this position is subject to the following condition(s):

1. All applications and appropriate forms must be completed (in the Office of Accounting) **PRIOR** to start date.
2. Subject to the approval of the Suffolk County Department of Civil Service and possession of a clean, valid, Commercial Drivers License with the necessary passenger endorsements.
3. Subject to the satisfactory test results of the pre-employment drug test as required by N.A.D.E.

**BE IT FURTHER, RESOLVED**, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

### THE VOTE

Cardinale ☒ Yes ☐ No    Kent ☒ Yes ☐ No  
Kwasna ☒ Yes ☐ No    Lull ☒ Yes ☐ No  
Vilella ☒ Yes ☐ No

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

08/03/99

Adopted

TOWN OF RIVERHEAD

Resolution # 694

APPOINTS LIFEGUARD  
TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN KENT \_\_\_\_\_ offered the following  
resolution, which was seconded by COUNCILMAN KWASNA \_\_\_\_\_

**RESOLVED**, that Gregory Sanders is hereby appointed to serve as a Fill-In Lifeguard, effective August 4, 1999 to and including September 7, 1999, to be paid at the rate of \$7.00 per hour, and to serve at the pleasure of the Town Board; and

**BE IT FURTHER, RESOLVED**, that this position is subject to the following condition(s):

3. All applications and appropriate forms must be completed (in the Office of Accounting) **PRIOR** to start date.
4. Must present valid Suffolk County certifications for the following three lifeguarding courses: American Red Cross C.P.R., Lifeguard Training, and Waterfront Lifeguarding.

**BE IT FURTHER, RESOLVED**, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villalobos	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

08/03/99

Adopted

## TOWN OF RIVERHEAD

Resolution # 695**APPOINTS LIFEGUARD  
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN KWASNA

\_\_\_\_\_ offered the following

resolution, which was seconded by COUNCILMAN LULL

**RESOLVED**, that Jordan Iannacchino is hereby appointed to serve as a Fill-In Lifeguard, effective August 4, 1999 to and including September 7, 1999, to be paid at the rate of \$7.00 per hour, and to serve at the pleasure of the Town Board; and

**BE IT FURTHER, RESOLVED**, that this position is subject to the following condition(s):

1. All applications and appropriate forms must be completed (in the Office of Accounting) **PRIOR** to start date.
2. Must present valid Suffolk County certifications for the following three lifeguarding courses: American Red Cross C.P.R., Lifeguard Training, and Waterfront Lifeguarding.

**BE IT FURTHER, RESOLVED**, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

**THE VOTE**Cardinale ☒ Yes ☐ No Kent ☒ Yes ☐ NoKwasna ☒ Yes ☐ No Lull ☒ Yes ☐ NoVilella ☒ Yes ☐ NoTHE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

08/03/99

**Adopted****TOWN OF RIVERHEAD****Resolution #** <sup>696</sup> \_\_\_\_\_**APPOINTS BEACH ATTENDANT  
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN LULL

\_\_\_\_\_ offered the following

resolution, which was seconded by \_\_\_\_\_ COUNCILMAN CARDINALE

**RESOLVED**, that Courtney Galla is hereby appointed to serve as a Fill-In Beach Attendant, effective August 4, 1999 to and including September 7, 1999, to be paid at the rate of \$7.00 per hour, and to serve at the pleasure of the Town Board; and

**BE IT FURTHER, RESOLVED**, that this position is subject to the following condition(s):

All applications and appropriate forms must be completed (in the Office of Accounting) **PRIOR** to start date.

**BE IT FURTHER, RESOLVED**, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

08/03/99

**Adopted****TOWN OF RIVERHEAD**Resolution # 697**APPOINTS LIFEGUARD  
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN CARDINALE offered the following  
resolution, which was seconded by COUNCILMAN KENT

**RESOLVED**, that Christopher Burns is hereby appointed to serve as a Fill-In Lifeguard, effective August 4, 1999 to and including September 7, 1999, to be paid at the rate of \$7.00 per hour, and to serve at the pleasure of the Town Board; and

**BE IT FURTHER, RESOLVED**, that this position is subject to the following condition(s):

5. All applications and appropriate forms must be completed (in the Office of Accounting) **PRIOR** to start date.
6. Must present valid Suffolk County certifications for the following three lifeguarding courses: American Red Cross C.P.R., Lifeguard Training, and Waterfront Lifeguarding.

**BE IT FURTHER, RESOLVED**, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

**THE VOTE**

Cardinale ☒ Yes ☐ No    Kent ☒ Yes ☐ No  
 Kwasna ☒ Yes ☐ No    Luli ☒ Yes ☐ No  
 Vilella ☒ Yes ☐ No

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

# Adopted

AUGUST 3, 1999

## TOWN OF RIVERHEAD

RESOLUTION# 698

### AUTHORIZATION TO PUBLISH BID FOR #4 & #6 FUEL OILS

COUNCILMAN KENT \_\_\_\_\_ offered the following resolution which was seconded by COUNCILMAN KWASNA.

BE IT RESOLVED, that the Town Board hereby authorized the Town Clerk to advertise for sealed bids for the purchase of **#4 & #6 FUEL OILS** for use by the Town of Riverhead at the Calverton Site.

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the **August 12, 1999** issue of the News Review.

BE IT RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a copy of this resolution to the Purchasing Department.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **#4 & #6 FUEL OILS** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 am** on **August 26, 1999.**

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR #4 & #6 FUEL OILS.**

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

AUGUST 3, 1999

Adopted

TOWN OF RIVERHEADRESOLUTION# 699AUTHORIZATION TO PUBLISH BID FOR  
OFFICE SUPPLIES

COUNCILMAN KWASNA offered the following resolution which was  
seconded by COUNCILMAN LULL.

BE IT RESOLVED, that the Town Board hereby authorized the Town Clerk to advertise for sealed bids for the purchase of **OFFICE SUPPLIES** for use by the Town of Riverhead at the Calverton Site.

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the **August 12, 1999** issue of the News Review.

BE IT RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a copy of this resolution to the Purchasing Department.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ **WAS NOT**  
THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **OFFICE SUPPLIES** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:05 am** on **August 26, 1999.**

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR OFFICE SUPPLIES.**

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

# Adopted

AUGUST 3, 1999

## TOWN OF RIVERHEAD

RESOLUTION# 700

### AUTHORIZATION TO PUBLISH BID FOR SNOW REMOVAL

COUNCILMAN LULL offered the following resolution which was seconded by COUNCILMAN CARDINALE.

BE IT RESOLVED, that the Town Board hereby authorized the Town Clerk to advertise for sealed bids for the service of **SNOW REMOVAL** for use by the Town of Riverhead at the Calverton Site.

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the **August 12, 1999** issue of the News Review.

BE IT RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a copy of this resolution to the Purchasing Department.

#### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vilella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐  
THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **SNOW REMOVAL** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:10 am** on **August 26, 1999**.

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR SNOW REMOVAL**.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

8/4/99

**Adopted**

## TOWN OF RIVERHEAD

Resolution # 701**ACCEPTS PERFORMANCE BOND FROM PETROCELLI CONTRACTING, INC.**

COUNCILMAN CARDINALE \_\_\_\_\_ offered the following resolution, was seconded by

COUNCILMAN KENT \_\_\_\_\_:

**WHEREAS**, Petrocelli Contracting, Inc. has posted a performance bond from Fireman's Fund #11119451224 in the sum of \$300,000.00 representing the 5% site plan bond for the construction and site improvements of an aquarium at Atlantis Marine World, East Main Street, Riverhead, pursuant to Section 108-133 I. of the Riverhead Town Code; and

**WHEREAS**, the Town Attorney has reviewed said performance bond and deems it to be sufficient in its form.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby accepts a performance bond from Fireman's Fund #11119451224 in the sum of \$300,000.00 representing the 5% site plan bond for the construction and site improvements of an aquarium at Atlantis Marine World, East Main Street, Riverhead; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to J. Petrocelli Contracting, Inc., 100 Comac Street, Ronkonkoma, New York, 11779; the Building Department; the Planning Department and the Accounting Department.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vilella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

**THEREUPON DULY DECLARED ADOPTED**

8/3/99

**Tabled**

PLEASE SEE NEXT  
PAGE FOR ADOPTION OF  
THIS RESOLUTION WITH  
AMENDMENTS

## TOWN OF RIVERHEAD

Resolution # 702**RELEASES GOOD FAITH DEPOSIT OF SWEETZY RIVERHEAD HOLDING, LLC**

COUNCILMAN KENT

\_\_\_\_\_ offered the following resolution, was seconded by

COUNCILMAN KWASNA

**WHEREAS**, Sweetzy Riverhead Holding, LLC has posted a Good Faith Deposit in the sum of \$10,000.00 representing the demolition of structure(s) on property located at East Main Street, Riverhead, New York further described as Suffolk County Tax Map #0600-128-6-50.1; and

**WHEREAS**, by memorandum dated July 1, 1999, from Sharon E. Klos, Building Permits Coordinator, said demolition has been completed to the Building Department's satisfaction; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of said Good Faith Deposit of Sweetzy Riverhead Holding, LLC in the sum of Ten Thousand (\$10,000.00) Dollars; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Sweetzy Riverhead Holding, LLC, 1 West Main Street, Patchogue, New York, 11772; the Building Department; the Planning Department and the Accounting Department.

**THE VOTE**

Cardinale ☒ Yes ☐ No Kent ☒ Yes ☐ No  
Kwasna ☒ Yes ☐ No Lull ☐ Yes ☐ No  
Vilella ☒ Yes ☐ No

THE RESOLUTION WAS ☐ ~~WAS NOT~~  
THEREUPON DULY DECLARED ~~ADOPTED~~

**Tabled**

TOWN OF RIVERHEAD

Adopted

RESOLUTION #702

ADOPTED: 08/17/99

RELEASES GOOD FAITH DEPOSIT OF SWEZEY RIVERHEAD HOLDING, LLC

COUNCILMAN KENT offered the following resolution, which as seconded by COUNCILMAN KWASNA

**WHEREAS**, Swezey Riverhead Holding, LLC has posted a good Faith Deposit in the sum of \$10,000.00 representing the demolition of structures(s) on property located at East Main Street, Riverhead, New York further described as Suffolk County Tax Map #0600-128-6-50.1; and

**WHEREAS**, by memorandum dated July 1, 1999, from Sharon e. Klos, Building Permits Coordinator, said demolition has been completed to the Building Department's satisfaction; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of said Good Faith Deposit of Swezey Riverhead Holding, LLC in the sum of Ten Thousand (\$10,000.00) Dollars; upon completion of work required by Sharon Klos to rectify the unsafe conditions on said premises.

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Swezey Riverhead Holding, LLC, 1 West Main Street, Patchogue, New York, 11772; the Building Department; the Planning Department and the Accounting Department.

Councilman Kent offered the resolution to be brought off the table; which was seconded by Councilman Kwasna.

All Councilmen in favor of bringing this resolution off the table.

Councilman Kent offered the resolution for adoption with amendments, which was seconded by Councilman Cardinale

All Councilmen in agreement for this resolution to be adopted with amendments.

THE VOTE

Cardinale ☒ Yes ☒ No ☒ Yes ☐ No  
Kwasna ☒ Yes ☒ No ☒ Yes ☐ No  
Vilella ☒ Yes ☐ No

THE RESOLUTION WAS ☒ WAS NOT ☐  
THEREUPON DULY DECLARED ADOPTED

# Adopted

8/3/99

## TOWN OF RIVERHEAD

Resolution # 703

**AUTHORIZES THE RETENTION OF THE LAW FIRM OF RAINS & POGREBIN, P.C.  
TO REPRESENT THE SUPERVISOR AND COUNCILMEN IN A UNITED STATES  
DISTRICT COURT, EASTERN DISTRICT MATTER**

COUNCILMAN KWASNA

offered the following resolution, was seconded by

COUNCILMAN LULL

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the retention of the Law Firm of Rains & Pogrebin, P.C., to represent Supervisor Villella; Councilman Christopher Kent, Councilman Phil Cardinale, Town of Riverhead and the Town Board of the Town of Riverhead in a matter currently in litigation in the United States District Court, Eastern District entitled, Kratoville v. Vincent Villella, et al., Index No. CV-99 3197; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Smith, Rains & Pogrebin, P.C., attn: Richard K. Zuckerman, Esq., 210 Old Country Road, Mineola, New York, 11501; Frank Yakaboski, Esq., 456 Griffing Avenue, P.O. Box 389, Riverhead, New York, 11901; Supervisor Villella; Councilman Kent; Councilman Cardinale; the Office of the Town Attorney and the Office of Accounting.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

# Adopted

8/3/99

## TOWN OF RIVERHEAD

Resolution # 704

**AUTHORIZES THE RETENTION OF THE LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER & YAKABOSKI, ESQS. TO REPRESENT TWO COUNCILMEN IN A UNITED STATES DISTRICT COURT, EASTERN DISTRICT MATTER**

COUNCILMAN LULL

\_\_\_\_\_ offered the following resolution, was seconded by

COUNCILMAN CARDINALE

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the retention of the Law Firm of Smith, Finkelstein, Lundberg, Isler & Yakaboski, Esqs. to represent Councilman James Lull and Councilman Mark Kwasna in a matter currently in litigation in the United States District Court, Eastern District entitled, Kratoville v. Vincent Villella, et al., Index No. CV-99 3197; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Smith, Rains & Pogrebin, P.C., attn: Richard K. Zuckerman, Esq., 210 Old Country Road, Mineola, New York, 11501; Frank Yakaboski, Esq., 456 Griffing Avenue, P.O. Box 389, Riverhead, New York, 11901; Supervisor Villella; Councilman Kent; Councilman Cardinale; the Office of the Town Attorney and the Office of Accounting.

## THE VOTE

Cardinale ☒ Yes ☐ No    Kent ☒ Yes ☐ No  
 Kwasna ☒ Yes ☐ No    Lull ☒ Yes ☐ No  
 Villella ☒ Yes ☐ No

THE RESOLUTION WAS ☒ WAS NOT ☐  
 THEREUPON DULY DECLARED ADOPTED

# Adopted

8/3/99

## TOWN OF RIVERHEAD

Resolution # 705**AUTHORIZES SEWER DISTRICT SUPERINTENDENT TO ATTEND SEMINAR**COUNCILMAN CARDINALE offered the following resolution, was seconded byCOUNCILMAN KENT :

**WHEREAS**, Rehab Road Shows is sponsoring a Trenchless Pipeline Rehab Conference & Expo at the Fort Washington Expo Center in Fort Washington, PA to be held on August 30, 1999 and September 1, 1999; and

**WHEREAS**, it is the desire of Michael Reichel, Sewer District Superintendent, that he attend such seminar.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead be and hereby authorizes the Sewer District Superintendent to attend a Trenchless Pipeline Rehab Conference & Expo at the Fort Washington Expo Center in Fort Washington, PA to be held on August 30, 1999 and September 1, 1999; and be it further

**RESOLVED**, that all related expenses incurred by the Sewer District Superintendent from this seminar will not exceed \$775.00; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Michael Reichel, Sewer District Superintendent and the Office of Accounting.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

## TOWN OF RIVERHEAD

**Adopted**RESOLUTION # 706AWARDS BID FOR SOUTH JAMESPORT BEACH LIGHTING  
IMPROVEMENT PROJECT

Adopted: August 3, 1999

COUNCILMAN KENT offered the following resolution which was  
seconded by COUNCILMAN KWANSA.

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the South Jamesport Beach Lighting Improvement Project; and

WHEREAS, two (2) bids were received, opened and read aloud on the 21<sup>st</sup> day of June, 1999 at the Office of the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the South Jamesport Beach Lighting Improvement Project be and is hereby awarded to Carter-Melence in the amount of Sixty Eight Thousand Dollars (\$68,000); and

BE IT FURTHER RESOLVED, that the Town board hereby authorizes the Town Clerk to return any and all bid bonds received in connection with the above; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Carter-Melence, Inc., 104 New York Avenue, Sound Beach, New York, Ken Testa and the Office of Accounting.

**THE VOTE**

Cardinale ☒ Yes ☐ No    Kent ☒ Yes ☐ No  
Kwasna ☒ Yes ☐ No    Lull ☒ Yes ☐ No  
Vilella ☒ Yes ☐ No

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

Adopted

## TOWN OF RIVERHEAD

RESOLUTION # 707

AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH  
 NOTICE TO BIDDERS FOR  
 SALVAGE OF HOUSE LOCATED AT 143 CLIFF ROAD WEST, WADING  
 RIVER  
 S.C.T.M. 0600-026.00-01.00-029.000

Adopted: August 3, 1999

COUNCILMAN KWASNA

\_\_\_\_\_ offered the following resolution which was  
 seconded by COUNCILMAN LULL.

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached Notice to Bidders in the August 12, 1999, issue of the official Town newspaper; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Engineering Department and the Office of Accounting.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

## TOWN OF RIVERHEAD

### NOTICE TO BIDDERS

Sealed proposals for the Salvage of House Located at 143 Cliff Road West, Wading River, New York, (S.C.T.M. 0600-026.00-01.00-029.000) will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on August 23, 1999, at which time and place they will be publicly opened and read aloud.

Plans and specifications may be examined and or obtained on or about August 12, 1999, at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

All bids must be submitted on the bid form provided. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation "Exception to the Specifications" and be attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted in a sealed envelope bearing the designation "SALVAGE OF HOUSE LOCATED AT 143 CLIFF ROAD WEST, WADING RIVER".

BY ORDER OF THE RIVERHEAD TOWN BOARD  
RIVERHEAD, NEW YORK  
Barbara A. Grattan, Town Clerk

Dated: August 3, 1999

# Adopted

August 3, 1999

## TOWN OF RIVERHEAD

Resolution #708

### TOWN COMMITMENT REGARDING COUNTY ACQUISITION OF BROAD COVE DUCK FARM

COUNCILMAN KENT offered the following resolution which was seconded by  
COUNCILMAN CARDINALE

**WHEREAS**, by resolution #723 of 1998, the Riverhead Town Board did adopt the Town of Riverhead Community Preservation Plan ("The Plan"), and

**WHEREAS**, the property known as Broad Cove Duck Farm, more particularly described as Suffolk County Tax Map Parcel No. 0600-86-1-36 was designated on such "Plan" as appropriate for whole or partial preservation, and

**WHEREAS**, it has come to the attention of the Riverhead Town Board that the County of Suffolk has initiated the fee simple acquisition of the subject property, and

**WHEREAS**, the Town Board of the Town of Riverhead desires to contribute to the effort to insure public acquisition and use of the premises, now

**THEREFORE, BE IT**

**RESOLVED**, that upon either whole or partial fee simple acquisition of the subject tract, the Town Board of the Town of Riverhead commits to a contribution by the Town of Riverhead in the form of the construction of an outdoor concert facility and associated improvements in order to support passive outdoor recreation use of the site, and

**BE IT FURTHER**

**RESOLVED**, that upon the construction of such facility the Town Board of the Town of Riverhead would enter into an agreement with the County of Suffolk obligating the Town to be responsible for the operation and maintenance costs of such passive outdoor concert facility, all subject to continued public access to such property.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vilella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

# Adopted

8/6/99

TOWN OF RIVERHEAD  
RESOLUTION #709

ORDER CALLING PUBLIC HEARING  
PROPOSED RENOVATIONS TO THE DISTRICT ADMINISTRATION BUILDING  
RIVERHEAD WATER DISTRICT

Adopted: \_\_\_\_\_

COUNCILMAN CARDINALE offered the following resolution  
which was seconded by COUNCILMAN KENT,

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly caused to be prepared a plan and estimate of cost relating to the increase and improvement of the facilities of the Riverhead Water District of said Town by H2M, specifically the proposed renovations to the District Administration Building as more particularly set forth in the engineering report dated July, 1999, and

WHEREAS, the maximum amount proposed to be expended for said overall improvement is \$172,200 which shall be allocated and charged as the cost of increasing and improving the facilities of the Riverhead Water District and shall be borne by the entire District to be paid from existing funds; and

WHEREAS, it is necessary that a public hearing be held on the question of the increase and improvement of the facilities of the entirety of said Riverhead Water District as described above, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town, on the 7th day of September, 1999, at 1:20 pm o'clock p.m., prevailing time, on the question of the increase and improvement of the facilities of the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the notice of public hearing to be published in the AUGUST 12TH, 1999, edition of The News Review the newspaper hereby designated as the official newspaper

for this purpose, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and posting to be made not less than ten, nor more than twenty days before the date designated for the public hearing.

Section 3. The project described in the preambles hereto is hereby determined to be an "unlisted action" under the State Environmental Quality Review Act, the implementation of which, as proposed, will not result in any significant environmental effects.

Section 4. The notice of public hearing shall be in substantially the following form:

#### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Riverhead Water District pursuant to Section 202-b of the Town Law. The object of such hearing will be the increase and improvement of the Riverhead Water District specifically the proposed renovations to the District Administration Building particularly set forth in the report of H2M, consulting engineers, dated July, 1999. The report of the engineer detailing the scope of the work is available at the Office of the Town Clerk during normal business hours. All persons wishing to be heard should be present at Riverhead Town Hall, 200 Howell Avenue, on Tuesday, September 17, 1999, at 7:20pm p.m. The estimated cost of the improvements is \$172,200 to be paid from existing district funds.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York  
August 3, 1999

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF RIVERHEAD  
SUFFOLK COUNTY, NEW YORK

Section 5: This order shall take effect immediately.

and be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Superintendent Pendzick, H2M, and Frank Isler, Esq.

**THE VOTE**

Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Kent <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Kwasna <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lull <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Villella <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

August 3, 1999

# Tabled

## TOWN OF RIVERHEAD

Resolution # 710

PLEASE SEE THE FOLLOWING  
PAGES FOR ADOPTION ON  
AUGUST 17, 1999 WITH  
AMENDMENTS

### APPROVES SPECIAL PERMIT OF SUNKEN POND ESTATES

COUNCILMAN KENT offered the following resolution which  
was seconded by COUNCILMAN CARADINALE

**WHEREAS**, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Sunken Pond Estates to allow the construction of a 192 unit senior citizen condominium complex with associated clubhouse, roadways and parking areas upon real property located at Middle Road, Riverhead; such real property more particularly described as Suffolk County Tax Map Parcel No. 0600-82-4-209.4, and

**WHEREAS**, the petition was made due to the expiration of a previous special permit issued for the same use, and

**WHEREAS**, by resolution #264 of 1998, this Town Board did refer the petition to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending approval of the petition subject to certain conditions, and

**WHEREAS**, the Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Planning Department, the attending site plan, as well as all other relevant planning, zoning and environmental information, now

**THEREFORE, BE IT**

**RESOLVED**, that in the matter of the special permit petition of Sunken Pond Estates, the Riverhead Town Board hereby declared itself to be the lead Agency and

**BE IT FURTHER**

**RESOLVED**, that since the subject petition is considered to be the functional equivalent of the original petition upon which a special permit was granted by this Board and for all intents and purposes the prevailing conditions are identical and that the SEQRA analysis and conclusions reached are still valid and need not be revisited, the Town Board hereby determines the action to be Type II pursuant to 6NYCRR Part 617; and

**BE IT FURTHER**

**RESOLVED**, that in the matter of the subject petition, the Riverhead Town Board hereby makes the following findings of fact:

FIRST: That the Town of Riverhead Master Plan identifies the subject property as lying within the Urbanized Development Band and contemplated that the subject real property would be developed as medium density residence with a maximum yield of 2.32 dwelling units per acre or 7.4 residents per acre;

SECOND: That the Master Plan does not identify particular areas for the development of senior citizen housing but relies upon the identification of areas within the community appropriate for medium and high density residential developments;

THIRD: That the County of Suffolk through empirical study has identified a Countywide need for the development of primary senior citizen housing affordable to residents of the County and the Town;

FOURTH: That the site is particularly suitable for the location of the proposed use as the area has convenient access to shopping, medical services, public transportation and recreation;

FIFTH: That the lot area is sufficient, appropriate and adequate for the use and the reasonably anticipated expansion thereof;

SIXTH: That the total number of units which could be transferred from contiguous property (Map of Bear Estates) is 29 building lots of 8,790 gpd of allowable sanitary flow;

SEVENTH: That an analysis of the impact of motor vehicle traffic to be generated by the project concluded the following:

- i. That the number of vehicles to be generated by the proposed use is considered to be less than that which would be generated by single family residential development at an as of right yield of two dwelling units per acres;
- ii. That both the weekday peak traffic volume and weekend peak traffic volume are less for the proposed use than that for as of right single family development;
- iii. That the number of motor vehicle trip ends resulting from the proposed use can be accommodated by the surrounding roadway network without reduction in levels of service on roadways or intersections;

EIGHTH: That adequate buffer yards, landscaping and screening will be provided where necessary to protect adjacent properties and land uses;

NINTH: That provisions will be made for the adequate disposal of both stormwater runoff and sanitary sewage in conformance with the Zoning Ordinance and Article 6 of the Suffolk County Sanitary Code; and

**BE IT FURTHER**

**RESOLVED**, that based upon its findings, the Riverhead Town Board hereby approves the subject special permit petition of Sunken Pond Estates subject to the following conditions:

FIRST: That the total number of units to be constructed and occupied not exceed 7.4 resident persons per acre assuming one resident per one bedroom unit and two residents per two bedroom unit;

SECOND: That no building permit shall issue prior to the approval of a site plan pursuant to Section 108-128 of the Zoning Ordinance and an approval of a condominium map pursuant New York State General Municipal Law and Section 108-146 of the Riverhead Zoning Ordinance;

THIRD: That prior to the issuance of the aforementioned site plan approval, a management plan be approved by the Town Board which contains those procedures and stipulations necessary to insure compliance with those age requirements contained within the provisions of the Retirement Community Zoning Use District;

FORUTH: That the transfer of density from contiguous property to the east be achieved through arrangement with the Suffolk County Department of Health Services and that with such transfer the development not exceed a total allowable sanitary flow of 29,578 gallons per day unless connected to the Riverhead Sewer District or relief provided for by the Suffolk County Department of Health Services Board of Review, and

#### BE IT FURTHER

**RESOLVED**, that a copy of this resolution be forwarded to Sunken Pond Estates or their agent and the Riverhead Planning Department.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ADOPTED

# Tabled

1419a

**Adopted**

AUGUST 17, 1999

TOWN OF RIVERHEAD

Resolution # 710

APPROVES SPECIAL PERMIT OF SUNKEN POND ESTATES

COUNCILMAN KENT \_\_\_\_\_ offered the following resolution which  
was seconded by COUNCILMAN CARADINALE \_\_\_\_\_

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Sunken Pond Estates to allow the construction of a 192 unit senior citizen condominium complex with associated clubhouse, roadways and parking areas upon real property located at Middle Road, Riverhead; such real property more particularly described as Suffolk County Tax Map Parcel No. 0600-82-4-209.4, and

WHEREAS, the petition was made due to the expiration of a previous special permit issued for the same use, and

WHEREAS, by resolution #264 of 1998, this Town Board did refer the petition to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending approval of the petition subject to certain conditions, and

WHEREAS, the Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Planning Department, the attending site plan, as well as all other relevant planning, zoning and environmental information, now

THEREFORE, BE IT

RESOLVED, that in the matter of the special permit petition of Sunken Pond Estates, the Riverhead Town Board hereby declared itself to be the lead Agency and

BE IT FURTHER

RESOLVED, that since the subject petition is considered to be the functional equivalent of the original petition upon which a special permit was granted by this Board and for all intents and purposes the prevailing conditions are identical and that the SEQRA analysis and conclusions reached are still valid and need not be revisited, the Town Board hereby determines the action to be Type II pursuant to 6NYCRR Part 617; and

## BE IT FURTHER

RESOLVED, that in the matter of the subject petition, the Riverhead Town Board hereby makes the following findings of fact:

FIRST: That the Town of Riverhead Master Plan identifies the subject property as lying within the Urbanized Development Band and contemplated that the subject real property would be developed as medium density residence with a maximum yield of 2.32 dwelling units per acre or 7.4 residents per acre;

SECOND: That the Master Plan does not identify particular areas for the development of senior citizen housing but relies upon the identification of areas within the community appropriate for medium and high density residential developments;

THIRD: That the County of Suffolk through empirical study has identified a Countywide need for the development of primary senior citizen housing affordable to residents of the County and the Town;

FOURTH: That the site is particularly suitable for the location of the proposed use as the area has convenient access to shopping, medical services, public transportation and recreation;

FIFTH: That the lot area is sufficient, appropriate and adequate for the use and the reasonably anticipated expansion thereof;

SIXTH: That the total number of units which could be transferred from contiguous property (Map of Bear Estates) is 29 building lots of 8,790 gpd of allowable sanitary flow;

SEVENTH: That an analysis of the impact of motor vehicle traffic to be generated by the project concluded the following:

- i. That the number of vehicles to be generated by the proposed use is considered to be less than that which would be generated by single family residential development at an as of right yield of two dwelling units per acres;
- ii. That both the weekday peak traffic volume and weekend peak traffic volume are less for the proposed use than that for as of right single family development;
- iii. That the number of motor vehicle trip ends resulting from the proposed use can be accommodated by the surrounding roadway network without reduction in levels of service on roadways or intersections;

EIGHTH: That adequate buffer yards, landscaping and screening will be provided where necessary to protect adjacent properties and land uses;

NINTH: That provisions will be made for the adequate disposal of both stormwater runoff and sanitary sewage in conformance with the Zoning Ordinance and Article 6 of the Suffolk County Sanitary Code; and

## BE IT FURTHER

**RESOLVED**, that based upon its findings, the Riverhead Town Board hereby approves the subject special permit petition of Sunken Pond Estates subject to the following conditions:

FIRST: That the total number of units to be constructed and occupied not exceed 7.4 resident persons per acre assuming one resident per one bedroom unit and two residents per two bedroom unit;

SECOND: That no building permit shall issue prior to the approval of a site plan pursuant to Section 108-128 of the Zoning Ordinance and an approval of a condominium map pursuant New York State General Municipal Law and Section 108-146 of the Riverhead Zoning Ordinance;

THIRD: That prior to the issuance of the aforementioned site plan approval, a management plan be approved by the Town Board which contains those procedures and stipulations necessary to insure compliance with those age requirements contained within the provisions of the Retirement Community Zoning Use District;

FOURTH: That the future site plan approval shall be in three sections with the approval of section 3 to be conditioned upon and subject to the applicant acquiring the fee title to twenty-three (23) acres of contiguous real property or the transference of the appropriate number of development rights from a "sending district" as defined in Chapter 95-A of the Riverhead Town Code; and

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be forwarded to Sunken Pond Estates or their agent and the Riverhead Planning Department.

COUNCILMAN KENT offered this resolution to be brought off the table, which was seconded by COUNCILMAN LULL.

All Councilmen in favor of removing resolution off the table.

COUNCILMAN KENT OFFERED THE RESOLUTION WITH AMENDMENTS, WHICH WAS SECONDED BY COUNCILMAN LULL.

The VOTE:   Cardinale:   Yes  
              Kent:         Yes  
              Kwasna:     Yes  
              Lull:        Yes  
              Villlella:   Yes

# Adopted

August 3, 1999

## TOWN OF RIVERHEAD

Resolution # 711

### AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING – AMENDMENT TO CHAPTER 61- ENVIRONMENTAL QUALITY REVIEW

COUNCILMAN KWASNA offered the following resolution which  
was seconded by COUNCILMAN LULL

**WHEREAS**, Chapter 61 of the Riverhead Town Code prescribes the payment of \$4,000 for the review of environmental impact statement submitted to the Town, and

**WHEREAS**, Part 617 of the New York Compilation of Rules and Regulations provides for a fee schedule for lead agency review of environmental impact statement based upon project costs, and

**WHEREAS**, the Town Board of the Town of Riverhead desires to amend Chapter 61 to provide for a review fee conforming to State Law, now

**THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk be authorized to publish the attached notice in the official newspaper of the Town of Riverhead.

#### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 7th day of September, 1999 at 7:05 o'clock p.m. at 200 Howell Avenue, Riverhead, New York to hear all interested parties to consider a motion of the Riverhead Town Board to consider amendments to Chapter 61 of the Town Code of the Town of Riverhead – Environmental Quality Review. The proposed amendment will be available for public inspection at the Office of the Town Clerk between the hours of 8:30 AM – 4:30 PM beginning on Monday, August 23, 1999.

DATED: August 3, 1999  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

August 3, 1999

Adopted

## TOWN OF RIVERHEAD

Resolution # 712**REFERS ZONING AMENDMENT PETITION OF TRADITIONAL LINKS  
TO THE PLANNING BOARD**

COUNCILMAN LULL

\_\_\_\_\_ offered the following resolution which

was seconded by COUNCILMAN CARDINALE  
\_\_\_\_\_

**WHEREAS**, the Riverhead Town Board is in receipt of a petition from Traditional Links, LLC to amend the Zoning Use District Map of the Town of Riverhead to provide for the Recreation Zoning Use District to the exclusion of the existing Agriculture A and Residence A Zoning Use Districts, on real property located at Sound Avenue, Baiting Hollow; such real property more particularly described as Suffolk County Tax Map Number 0600-41-1-10.5, and

**WHEREAS**, this Town Board by resolution #119 of 1998, did determine the petition to be a Type I Action requiring the preparation of an Environmental Impact Statement, and

**WHEREAS**, by resolution #1104 of 1998 this Town Board did accept a Draft Environmental Impact Statement supporting the subject petition pursuant to 6NYCRR Part 617, and

**WHEREAS**, the petitioner has submitted a Final Environmental Impact Statement responding to the commentary made by involved agencies and parties of interest upon the DEIS, and

**WHEREAS**, at this time the Town Board desires to refer the zoning amendment to the Riverhead Planning Board for its report and recommendation, now

**THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk is hereby authorized to refer the zoning amendment petition of Traditional Links, LLC to the Riverhead Planning Board pursuant to Section 108-80 of the Zoning Ordinance.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

8/3/99

Adopted

## TOWN OF RIVERHEAD

Resolution # 713**APPROVES APPLICATION OF MAX A. GOMEZ (CENTRAL AMERICAN & MEXICAN INDEPENDENCE FESTIVAL)**

Councilman Cardinale \_\_\_\_\_ offered the following resolution, was seconded by

Councilman Kent \_\_\_\_\_:

**WHEREAS**, Max A. Gomez has submitted an application for the purpose of conducting a Central American & Mexican Independence Festival to be located in the parking lot behind the Department of Motor Vehicle and the Sabor Latino Diner Restaurant, Old Country Road, Riverhead, New York, to be held on September 11<sup>th</sup> and 12<sup>th</sup>, 1999, between the hours of 10:00 a.m. and 9:00 p.m.; and

**WHEREAS**, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

**WHEREAS**, the Town Attorney of the Town of Riverhead has reviewed all documents including the certificate of insurance regarding said application.

**NOW THEREFORE BE IT RESOLVED**, that the application of Max A. Gomez for the purpose of conducting a Central American & Mexican Independence Festival to be located in the parking lot behind the Department of Motor Vehicle and the Sabor Latino Diner Restaurant, Old Country Road, Riverhead, New York, to be held on September 11<sup>th</sup> and 12<sup>th</sup>, 1999, between the hours of 10:00 a.m. and 9:00 p.m., is hereby approved; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Max A. Gomez, 192 Old Country Road, Riverhead, New York, 11901 and the Riverhead Police Department.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

August 3, 1999

**Adopted****TOWN OF RIVERHEAD**Resolution # 714**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF  
PUBLIC HEARING – SPECIAL PERMIT – WAL-MART STORES, INC. &  
REFERS PETITION TO PLANNING BOARD**

COUNCILMAN KENT \_\_\_\_\_ offered the following resolution which  
was seconded by \_\_\_\_\_ COUNCILMAN KWASNA \_\_\_\_\_

**WHEREAS**, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Wal-Mart Stores, Inc. to provide for a building area greater than 15% upon property located at Route 58, Riverhead; such real property more particularly described as Suffolk County Tax Map Parcel Nos. 0600-104-2-16; 18 and 19, and

**WHEREAS**, the Town Board desires to initiate the review of the petition, now

**THEREFORE, BE IT**

**RESOLVED**, that in the matter of the special permit petition of Wal-Mart Stores, Inc. the Town Board declares itself to be the Lead Agency, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board authorizes the Town Clerk to refer the petition to the Riverhead Planning Board for its report and recommendation, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be authorized to publish the following notice of public hearing in the official newspaper of the Town of Riverhead.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐  
THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 7th day of September, 1999 at 7:10 o'clock p.m. at 200 Howell Avenue, Riverhead, New York to hear all interested parties to consider the special permit petition of Wal-Mart Stores, Inc. to allow the construction of a building area greater than 15% upon real property located at Route 58, Riverhead; such real property more particularly described as Suffolk County Tax Map Nos. 0600-104-2-16, 18 and 19.

DATED: August 3, 1999  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

August 3, 1999

Adopted

## TOWN OF RIVERHEAD

Resolution # 715**AUTHORIZES PUBLICATION OF NOTICE OF PUBLIC HEARING –  
AMENDMENT OF ARTICLE XXXV OF THE ZONING ORDINANCE**

COUNCILMAN KWASNA

\_\_\_\_\_ offered the following resolution which

was seconded by COUNCILMAN LULL

**WHEREAS**, Article XXXV of the Riverhead Zoning Ordinance did describe receiving areas for the transfer of development rights from the Central Suffolk Pine Barrens Core Protection Area, and

**WHEREAS**, Article XXXV provides for the amendment of the described receiving area from time to time, and

**WHEREAS**, it is in the interest of the proper development of the Town of Riverhead that such receiving area be expanded, now

**THEREFORE, BE IT**

**RESOLVED**, that in the matter of the expansion of the Central Suffolk Pine Barrens Receiving Area, the Town Board of the Town of Riverhead hereby authorizes the Town Clerk to publish and post the following notice of public hearing.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 7th day of September, 1999 at 7:15 o'clock p.m. at 200 Howell Avenue, Riverhead, New York to hear all interested parties to consider the amendment of Article XXXV of the Town of Riverhead Zoning Ordinance to expand the acreage of Central Suffolk Pine Barrens Receiving Area to include real property at Sound Avenue, Wading River and Kroemer Avenue, Riverhead. A map describing the extent of the amendment will be available for inspection at the Office of the Town Clerk between the hours of 8:30 – 4:30 beginning August 23, 1999.

DATED: August 3, 1999  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

Adopted

8 / 2 / 99

## TOWN OF RIVERHEAD

RESOLUTION # 716

## REAPPOINTS MEMBER TO THE BOARD OF ASSESSMENT REVIEW

COUNCILMAN LULL

OFFERED THE FOLLOWING RESOLUTION

WHICH WAS SECONDED BY COUNCILMAN CARDINALE.

**WHEREAS**, the term of Board of Assessment Review member Richard X. Park is to expire on September 30, 1999, and

**WHEREAS**, Richard X. Park has expressed a desire to continue to serve on this Board.

**NOW, THEREFORE, BE IT RESOLVED**, that Richard X. Park be and is hereby reappointed to the Board of Assessment Review whose term shall be October 1, 1999 through September 30, 2004 in accordance with Section 523 of the Real Property Tax Law, at the annual salary established under Town resolution #96-207, and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Richard X. Park, the Assessors' Office, and the Office of Accounting.

## THE VOTE

Cardinale ☒ Yes ☐ No Kent ☒ Yes ☐ NoKwasna ☒ Yes ☐ No Lull ☒ Yes ☐ NoVilella ☒ Yes ☐ NoTHE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

# Adopted

AUGUST 3, 1999

## TOWN OF RIVERHEAD

Resolution # 717'99 RECREATION CAPITAL IMPROVEMENTBUDGET ADJUSTMENT

COUCNILMAN CARDINALE

\_\_\_\_\_ offered the following resolution,

which was seconded by COUNCILMAN KENT

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

406.095031.481900.70041 SPECIAL TRUST TRANSFERS FROM: \$12,500.

TO:

406.071100.523008.70041	STOTZKY PARK FIELD 3 DRAINAGE IMPROVEMENT	\$2,500.
406.071100.523020.70041	OAKLAND PARK FENCING	5,000.
406.071100.524914.70041	OAKLAND PARK PLAYGROUND EQUIPMENT	5,000.

**THE VOTE**

Cardinale ☒ Yes ☐ No    Kent ☒ Yes ☐ No  
 Kwasna ☒ Yes ☐ No    Lull ☒ Yes ☐ No  
 Villella ☒ Yes ☐ No

THE RESOLUTION WAS ☒ WAS NOT ☐  
 THEREUPON DULY DECLARED ADOPTED

# Adopted

AUGUST 3, 1999

## TOWN OF RIVERHEAD

Resolution # 718SEWER PLANT UPGRADECAPITAL PROJECTBUDGET ADJUSTMENT

COUNCILMAN KENT

\_\_\_\_\_ offered the following resolution,  
 which was seconded by COUNCILMAN KWASNA

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized  
 to establish the following budget adjustment:

406.081300.494200.60050 SERIAL BOND PROCEEDS **FROM:**  
 \$8,705,000.

406.081300.523016.60050	CONSTRUCTION IMPROVEMENT	<b>TO:</b>
406.081300.543504.60050	ENGINEERING EXPENSE	\$7,400,000.
406.081300.543320.60050	LEGAL EXPENSE	1,080,000.
406.081300.547900.60050	CONTINGENCY	25,000.
		200,000.

**THE VOTE**Cardinale ☒ Yes ☐ No Kent ☒ Yes ☐ NoKwasna ☒ Yes ☐ No Lull ☒ Yes ☐ NoVilella ☒ Yes ☐ NoTHE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

August 3, 1999

Adopted

TOWN OF RIVERHEADCHILD CARE CENTER BUILDING FUND  
BUDGET ADJUSTMENTRESOLUTION # 719

COUNCILMAN KWASNA

offered the following resolution,

which was seconded by COUNCILMAN LULL

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

009.071400.5491000 MISCELLANEOUS EXPENSE

**FROM:**

\$3,000.

009.071400.546000 UTILITY EXPENSE

**TO:**

\$3,000.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐  
THEREUPON DULY DECLARED ADOPTED

AUGUST 3, 1999

Adopted

## TOWN OF RIVERHEAD

RESOLUTION # 720

GENERAL FUND  
BUDGET ADJUSTMENT

COUNCILMAN LULL offered the following resolution,  
which was seconded by COUNCILMAN CARDINALE

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

## FROM:

001.000000.390599	APPROPRIATED FUND	\$38,200.
001.035100.546301	PROPANE EXPENSE	300.
001.031250.541500	AUTO REPAIR EXPENSE	1,200.

## TO:

001.090500.586000	UNEMPLOYMENT INSURANCE	\$16,200.
001.099010.597008	TRANSFER TO YOUTH SERVICES	12,000.
001.075500.544120	CELEBRATION - WINTER	10,000.
001.035100.549000	MISCELLANEOUS EXPENSE	300.
001.031250.524000	J.A.B. EQUIPMENT	1,200.

## THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐  
THEREUPON DULY DECLARED ADOPTED

AUGUST 3, 1999

Adopted

**TOWN OF RIVERHEAD****RESOLUTION #** 721**HIGHWAY DEPARTMENT****BUDGET ADJUSTMENT**

COUNCILMAN KENT

offered the following resolution,

which was seconded by COUNCILMAN KWASNA

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

111.000000.390599 APPROPRIATED FUND BALANCE

**FROM:**

\$3,200.

111.090500.586000 UNEMPLOYMENT INSURANCE

**TO:**

\$3,200.

**THE VOTE**

Cardinale ☒ Yes ☐ No    Kent ☒ Yes ☐ No  
 Kwasna ☒ Yes ☐ No    Lull ☒ Yes ☐ No  
 Vilella ☒ Yes ☐ No

THE RESOLUTION WAS ☒ WAS NOT ☐  
 THEREUPON DULY DECLARED ADOPTED

AUGUST 3, 1999

Adopted

## TOWN OF RIVERHEAD

RESOLUTION # 722WATER DISTRICT  
BUDGET ADJUSTMENT

COUNCILMAN KENT offered the following resolution,  
 which was seconded by COUNCILMAN KWASNA

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

112.000000.390599	APPROPRIATED FUND BALANCE	<b>FROM:</b> \$1,700.
-------------------	---------------------------	--------------------------

112.090500.586000	UNEMPLOYMENT INSURANCE	<b>TO:</b> \$1,700.
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**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐  
 THEREUPON DULY DECLARED ADOPTED

AUGUST 3, 1999

Adopted

## TOWN OF RIVERHEAD

Resolution # 723SEWER DISTRICTBUDGET ADJUSTMENT

COUNCILMAN KENT \_\_\_\_\_ offered the following resolution ,  
 which was seconded by COUNCILMAN KWASNA \_\_\_\_\_

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

114.000000.390599      APPROPRIATED FUND BALANCE      **FROM:** \$700.

114.090500.58600      UNEMPLOYMENT INSURANCE      **TO:** \$700.

**THE VOTE**

Cardinale ☒ Yes ☐ No      Kent ☒ Yes ☐ No  
 Kwasna ☒ Yes ☐ No      Lull ☒ Yes ☐ No  
 Villella ☒ Yes ☐ No

THE RESOLUTION WAS ☒ WAS NOT ☐  
 THEREUPON DULY DECLARED ADOPTED

AUGUST 3, 1999

**Adopted****TOWN OF RIVERHEAD****RESOLUTION # 724****REFUSE & GARBAGE DISTRICT**  
**BUDGET ADJUSTMENT**COUNCILMAN ~~KENT~~

\_\_\_\_\_ offered the following resolution,

which was seconded by COUNCILMAN ~~KWASNA~~

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

115.000000.390599 APPROPRIATED FUND BALANCE

**FROM:**

\$200.

115.090500.586000 UNEMPLOYMENT INSURANCE

**TO:**

\$200.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

AUGUST 3, 1999

## TOWN OF RIVERHEAD

725

RESOLUTION # \_\_\_\_\_

**Adopted**STREET LIGHTING DISTRICTBUDGET ADJUSTMENT

COUNCILMAN KENT

offered the following resolution,

COUNCILMAN KWASNA

which was seconded by \_\_\_\_\_

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

116.000000.390599 APPROPRIATED FUND BALANCE

**FROM:**

\$400.

116.090500.586000 UNEMPLOYMENT INSURANCE

**TO:**

\$400.

**THE VOTE**Cardinale ☒ Yes \_\_\_ No \_\_\_ Kent ☒ Yes \_\_\_ No \_\_\_Kwasna ☒ Yes \_\_\_ No \_\_\_ Lull ☒ Yes \_\_\_ No \_\_\_Villella ☒ Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS ☒ WAS NOT ☐  
 THEREUPON DULY DECLARED ADOPTED

AUGUST 3, 1999

**Adopted****TOWN OF RIVERHEAD****RESOLUTION #** 726**PUBLIC PARKING DISTRICT****BUDGET ADJUSTMENT**

COUNCILMAN KENT offered the following resolution,  
 which was seconded by COUNCILMAN KWASNA

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

	<b>FROM:</b>	
117.000000.390599	APPROPRIATED FUND BALANCE	\$200.
	<b>TO:</b>	
117.090500.586000	UNEMPLOYMENT INSURANCE	\$200.

**THE VOTE**

Cardinale \_\_\_\_ Yes \_\_\_\_ No    Kent \_\_\_\_ Yes \_\_\_\_ No

Kwasna \_\_\_\_ Yes \_\_\_\_ No    Lull \_\_\_\_ Yes \_\_\_\_ No

Vilella \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_

THE RESOLUTION WAS \_\_\_\_ WAS NOT \_\_\_\_

THEREUPON DULY DECLARED ADOPTED

AUGUST 3, 1999

**Adopted**

## TOWN OF RIVERHEAD

Resolution # 727**JOINT SCAVENGER WASTE DISTRICT****BUDGET ADJUSTMENT**

COUNCILMAN KENT

\_\_\_\_\_ offered the following resolution,

COUNCILMAN ~~KWASNA~~

which was seconded by \_\_\_\_\_

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

918.000000.390599	APPROPRIATED FUND BALANCE	<b>FROM:</b> \$600.
-------------------	---------------------------	------------------------

918.090500.58600	UNEMPLOYMENT INSURANCE	<b>TO:</b> \$600.
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**THE VOTE**

Cardinale \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Kent \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_

Kwasna \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Lull \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_

Villella \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_

THE RESOLUTION WAS \_\_\_\_ WAS NOT \_\_\_\_

THEREUPON DULY DECLARED ADOPTED

Adopted

AUGUST 3,1999

TOWN OF RIVERHEAD

Resolution # 728

YOUTH COURT SERVICES

BUDGET ADJUSTMENT

COUNCILMAN ~~CARDINALE~~ KENT offered the following resolution,  
which was seconded by COUNCILMAN KWASNA

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

452.000000.390599.90052 APPROPRIATED FUND BALANCE FROM: \$100.

452.090500.586000.90052 UNEMPLOYMENT INSURANCE TO: \$100.

**THE VOTE**

Cardinale \_\_\_\_ Yes \_\_\_\_ No    Kent \_\_\_\_ Yes \_\_\_\_ No  
Kwasna \_\_\_\_ Yes \_\_\_\_ No    Lull \_\_\_\_ Yes \_\_\_\_ No  
Villella \_\_\_\_ Yes \_\_\_\_ No

THE RESOLUTION WAS \_\_\_\_ WAS NOT \_\_\_\_  
THEREUPON DULY DECLARED ADOPTED

# Adopted

August 3, 1999

**TOWN OF RIVERHEAD**

**P.A.L. FUND**

**BUDGET ADJUSTMENT**

**RESOLUTION # 729**

COUNCILMAN CARDINALE offered the following resolution,  
which was seconded by COUNCILMAN KENT

**BE IT RESOLVED**, that the Supervisor be and is hereby authorized to establish the following budget adjustment:

		<b>FROM:</b>	
004.000000.390599	APPROPRIATED FUND BALANCE		\$900.
004.033310.492210	P.A.L. COUNTY AID DIVISION FOR YOUTH		\$1,000.

		<b>TO:</b>	
004.076250.543607	BASEBALL UMPIRE EXPENSE		\$900.
004.076250.542323	BASEBALL SUPPLIES		\$ 1,000.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the JAB/PAL Office and the Office of Accounting.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

# Adopted

8/3/99

## TOWN OF RIVERHEAD

Resolution # 730**APPROVES APPLICATION OF JOSEPH L. COBIS (BLOCK PARTY)**

COUNCILMAN KENT

offered the following resolution, was seconded by

COUNCILMAN KWASNA

**WHEREAS**, Joseph L. Cobis has submitted an application for the purpose of conducting a Block Party to be held on Prospect Place, Riverhead, New York, on Sunday, August 8, 1999 between the hours of 10:00 a.m. and 11:00 p.m., having a rain date of August 29, 1999; and

**WHEREAS**, the applicant has requested the application fee be waived; and

**WHEREAS**, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

**NOW THEREFORE BE IT RESOLVED**, that the application of Joseph L. Cobis for the purpose of conducting a Block Party to be held on Prospect Place, Riverhead, New York, on Sunday, August 8, 1999 between the hours of 10:00 a.m. and 11:00 p.m., having a rain date of August 29, 1999, be and is hereby approved; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead be and hereby waives the application fee; and be it further

**RESOLVED**, that there must be adequate space left available for emergency vehicles to be able to enter and pass through the area to be utilized for the Block Party; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Joseph L. Cobis, 37 Prospect Place, Riverhead, New York, 11901 and the Riverhead Police Department.

**THE VOTE**Cardinale ☒ Yes ☐ No Kent ☒ Yes ☐ NoKwasna ☒ Yes ☐ No Lull ☒ Yes ☐ NoVilella ☒ Yes ☐ NoTHE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

8/3/99

**Adopted**

## TOWN OF RIVERHEAD

Resolution # 731

**ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS – CAL HOLLOW  
FARMS  
(REEVES AVENUE, CALVERTON)**

COUNCILMAN KWASNA

\_\_\_\_\_ offered the following resolution, which was seconded

COUNCILMAN LULL

by \_\_\_\_\_:

**WHEREAS**, the Riverhead Farmland Preservation Committee (“the Committee”) has received an offer for sale of development rights from Cal Hollow Farms, respecting 25.956 acres of real property located at Reeves Avenue, Calverton, New York, such real property more particularly described as Suffolk County Tax Map number 0600-62-2-5.1; and

**WHEREAS**, the Committee has commissioned an appraisal of the value of development rights inherent in the subject real property; and

**WHEREAS**, the Committee has assessed the subject real property with respect to the criteria provided in the Agricultural Preservation Law and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of development rights from the property; and

**WHEREAS**, the Town Board has carefully considered the merits of the offer sale of development rights, the report of the Peconic Land Trust, the appraisal of development rights by Given Associates, the report of the Farmland Preservation Committee, the criteria set forth in the agricultural preservation law and all other pertinent planning, zoning and environmental information;

**NOW, THEREFORE BE IT RESOLVED**, that the Riverhead Town Board hereby accepts the offer of sale of development rights from the subject real property of Cal Hollow Farms, pursuant to Chapter 44, Section 44-5 B(2) of the Code of the Town of Riverhead; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract for purchase of development rights from the subject property in an amount not to exceed Eight Thousand Six Hundred Dollars (\$8,600.00) per acre; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Cal Hollow Farms, 2484 Sound Avenue, Calverton, New York, 11933; Frank Yakaboski, Esq., 456 Griffing Avenue, P.O. Box 389, Riverhead, New York, 11901; Peconic Land Trust, Attn: Julie Westnofske, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department, and the Office of the Town Attorney.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Luli	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

**FARMLAND PURCHASE OF DEVELOPMENT RIGHTS  
PURCHASE AND SALE AGREEMENT**

between

**CAL HOLLOW FARMS**

to

**TOWN OF RIVERHEAD**

THIS AGREEMENT, made the     day of August, 1999, between CAL HOLLOW FARMS having offices at 2484 Sound Avenue, Calverton, New York, 11931e Riverhead, New York, (hereinafter referred to as the "SELLERS") and the TOWN OF RIVERHEAD, a municipal corporation of the State of New York having its principal office at 200 Howell Avenue, Riverhead, New York, 11901 (hereinafter referred to as the "PURCHASER").

WITNESSETH:

1. DESCRIPTION. The SELLERS agree to sell and convey, and the PURCHASER agrees to purchase the Development Rights, as hereinafter defined, in ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Riverhead, County of Suffolk, and State of New York, more particularly bounded and described as set forth in the description annexed hereto as Schedule "A" hereinafter referred to as the "Property." The area and dimensions of said Property are, however, subject to such changes and modifications consistent with the area and dimensions as shown on a survey (see #11 herein).

2. DEVELOPMENT RIGHTS DEFINED. Development Rights as the term is used herein shall mean the permanent legal interest and right to prohibit or restrict the use of the Property for anything other than agricultural production as that term is defined in #301 of the New York Agriculture and Markets Law. The Development Rights to be acquired by the PURCHASER and the rights of the SELLERS are further defined and are set forth in the Deed of Development Rights attached hereto as Schedule "B" and made a part of this Agreement. The power and purpose of the PURCHASER is limited to acquiring the Development Rights in lands presently used or suitable for agricultural production, as described in the attached Schedule "B" and PURCHASER reserves the right, upon obtaining a survey and inspecting the premises in relation thereto, to hold an additional public hearing on the acquisition pursuant to §247 of the general Municipal Law and thereafter, either to cancel this Agreement if the premises are not entirely used or suitable for agricultural production or subject to SELLER'S further agreement to accept that portion of the premises which is suitable for agricultural production, as herein defined, in which case the price will be adjusted in proportion to the area deemed suitable using the unit price as herein set forth.

3. ALIENATION. Unless authorized by amendment to Chapter 44 of the Code of the Town of Riverhead entitled "Agricultural Lands Preservation Law of the Town of Riverhead", the development rights acquired by the Town of Riverhead pursuant to this contract, may be alienated exclusively for sale to the County of Suffolk. This provision is intended to serve as a covenant running with the land in perpetuity and the provisions of this paragraph shall survive delivery of the deed of development rights.

4. The SELLERS acknowledge that by the terms of this contract and the declarations in the deed, that it has been informed that neither the SELLERS, nor their heirs, successors in interest, successors in title or assignees shall be permitted to remove soil from the property to be covered by these development rights. The representation is intended to also serve as a covenant running forever with the land in perpetuity and the provisions of this paragraph shall survive delivery of this conveyance.

5. The SELLERS covenant and agree that the underlying fee title retained may not be subdivided into plots by the filing of a subdivision map pursuant to §276 and §277 of the Town Law and/or §335 of the Real Property Law. The underlying fee may be divided by conveyance of parts thereof to heirs and next of kin, by will or operation of law, or with the written recordable consent of the PURCHASER. Subdivision shall also be defined to include the division of land covered by the development rights into two or more parcels in whole or in part. The provisions of this section shall survive delivery of the instrument of conveyance and shall be considered a covenant running with the land in perpetuity and shall be binding upon the SELLERS, their heirs, successors and assigns, and shall inure to the benefit of the PURCHASER and its successors and assigns.

6. The SELLERS represent that the premises are agricultural land used for bona fide agricultural production as defined herein. At no time, to the SELLER'S knowledge, has the premises been used for the generation, storage, or disposal of hazardous substances, or as a landfill or other waste disposal site. There are not now, nor have there ever been, underground storage tanks, to the SELLER'S knowledge, on the premises. For the purpose of this contract, the use of farm chemicals, including, but not limited to pesticides and fertilizers, which are part of ordinary agricultural operations, shall not be considered hazardous substances.

7. PURCHASER, at its own cost and expense, may obtain an up-to-date environmental audit-site assessment of the premises, performed by a qualified environmental consultant approved by the PURCHASER, certifying the premises to be free of toxic and/or hazardous substance contamination. The environmental audit should include, but not be limited to, an historic search of government files, site reconnaissance, survey of adjacent properties, survey of soil conditions, survey of ground water conditions, identification of any suspected asbestos containing materials, and any other inspections and/or procedures deemed appropriate under current criteria. Notwithstanding anything to the contrary in the Agreement, the SELLERS shall have no liability or responsibility whatsoever to incur any expenses in connection with any condition shown in the environmental audit obtained by the PURCHASER. In the event that the PURCHASER is not satisfied with the condition shown in the environmental audit, its sole remedy shall be to terminate this Agreement.

8. BARGAIN SALE. SELLERS and PURCHASER agree that, pursuant to a qualified appraisal prepared by Patrick Given Associates and dated May 20, 1999, the fair market value of the development rights is in excess of the agreed upon sale price stated in Paragraph 9 herein. PURCHASER is a tax-exempt organization described under Sections 170(h)(3)(A) and 170(b)(1)(A)(v) of the Internal Revenue Code of 1986, contributions to which are deductible under Section 170(h). The SELLERS intend to make a charitable contribution to PURCHASER of the difference between the fair market value and the purchase price paid by the PURCHASER, pursuant to Section 1011(b) of the Internal Revenue Code. PURCHASER agrees to execute and deliver to SELLERS

whatever documents may be required by SELLERS in order to certify the charitable contribution to be claimed by SELLERS pursuant to this provision.

9. PURCHASE PRICE. The agreed purchase price is Two Hundred Twenty Three Thousand Two Hundred Twenty One and 60/100 (\$223,221.60) Dollars for the 25.956 acres contemplated to be encumbered under this Agreement, based upon a value of Eight Thousand Six Hundred Dollars (\$8,600) per acre, and subject to a final survey of the premises (see #11 herein). PURCHASER and SELLERS hereby agree that if the final survey shows that the total acreage of the premises is different from the 25.956 acre figure used by PURCHASER in determining the purchase price of \$223,221.60, the final purchase price will be adjusted at a rate of \$8,600.00 per acre for each additional or subtracted acre of portion thereof.

10. CLOSING DATE/LOCATION. The closing shall take place within ninety (90) days of the execution, by both SELLERS and PURCHASER, of this document. The closing shall take place at the office of the Town Attorney, Town Hall, 200 Howell Avenue, Riverhead, New York or such other location within Suffolk County of PURCHASER'S choice, unless otherwise agreed in writing. The delivery to and acceptance of the Deed of Development Rights by PURCHASER, receipt of a title policy for the premises in form and substance acceptable to PURCHASER, and the disbursement of the purchase price to SELLERS shall constitute the "Closing."

11. SURVEY. PURCHASER will have the Property surveyed by a licensed land surveyor, to determine the actual acreage of the area upon which the Development Rights are to be sold. The cost of the survey of the Property shall be born solely by the PURCHASER.

12. FORM OF EASEMENT. The Grant of the Development Rights to be executed by SELLERS and delivered to PURCHASER at the closing shall be in the form approved by the Town Attorney, and shall be in substantially the form which is annexed hereto as Schedule "B." The Deed of Development Rights shall be duly executed and acknowledged also as to convey to the PURCHASER the Development Rights of the said premises, free of all liens and encumbrances, except as herein stated, and shall be recorded in the Office of the Suffolk County Clerk. PURCHASER shall be responsible for the recording fees in connection with the Deed of Development Rights.

If the SELLERS are a corporation, it will deliver to the PURCHASER at the time of the delivery of the Deed of Development Rights hereunder a resolution of its board of directors authorizing the sale and delivery of the Deed of Development Rights, and a certificate by the secretary or assistant secretary of the corporation certifying such resolution and setting forth facts showing that the conveyance is in conformity with the requirements of #909 of the Business Corporation Law. The Deed of Development Rights in such case shall contain a recital sufficient to establish compliance with said section.

13. INSURABLE TITLE. The PURCHASER may make its determination of whether the Property is free from all encumbrances, except as set forth in Paragraph 14, on the basis of its own examination of the title, or that of its agents, or a title report of a member company of the New York Board of title Underwriters having offices in Suffolk County and may require the SELLERS to clear title exceptions raised to the satisfaction of the PURCHASERS, and if any is involved, the title company. In the event that the

SELLERS are unable to convey the Deed of Development Rights free from all encumbrances in accordance with the terms of this agreement, then this agreement shall be considered canceled with neither party having any further obligation to the other.

14. ACCEPTABLE ENCUMBRANCES. The SELLERS shall convey and the PURCHASER shall accept the Deed of Development Rights subject to existing covenants and easements of record, and a mortgage of record. In the event the property is to be conveyed subject to a mortgage, SELLERS shall include and record with the Deed of Development Rights the written consent of the mortgagee. The Deed of Development Rights may also be conveyed subject to the assessment of real property taxes, provided that at the time of Closing, all real property taxes are paid in full for the current tax (lien) year with no arrears. All other encumbrances, liens, assessments, charges, judgements, estates, taxes and other limitations shall be satisfied on or prior to Closing.

15. USE OF MONEY TO CLEAR TITLE. If at the date of closing there may be any other liens or encumbrances which the SELLERS are obligated to pay and discharge, the SELLERS may use any portion of the balance of the purchase price to satisfy the same, provided the SELLERS shall simultaneously either deliver to the PURCHASER at the closing of title instruments in recordable form and sufficient to satisfy such liens and encumbrances of record together with the cost of recording and of filing said instruments. The SELLERS also agree to provide duly executed Internal Revenue Service Form W-9 and to sign such property vouchers for the closing check(s) as may be requested by the Town Fiscal Officer at least three (3) weeks prior to the date fixed for closing. The PURCHASER, if request is made within a reasonable time prior to the date of closing title, agrees to provide at the closing separate checks as requested, aggregating the amount of the purchase price, to facilitate the satisfaction of any such liens and encumbrances shall not be deemed objections to title if the SELLERS shall comply with the foregoing requirements.

16. AFFIDAVITS AS TO JUDGEMENTS. If a search of the title discloses judgements, bankruptcies or other returns against other persons having names the same or similar to that of the SELLERS, the SELLERS will, on request, deliver to the PURCHASER an affidavit showing such judgements, bankruptcies or other returns are not against SELLERS, if such is the case.

17. PUBLIC DISCLOSURE STATEMENT. The SELLERS, simultaneously with the execution and delivery of this Agreement, has also delivered the required verified public disclosure statement for filing with the Town Fiscal Officer. At the time of the closing, the SELLERS shall submit a then applicable such statement or a sworn statement that there have been no changes in interest since the date of this Agreement. Any evidence of a conflict of interest or prohibited contractual relationship shall require approval of the contract and sale by the Supreme Court.

18. BROKER. The parties agree that no broker brought about this sale.

19. ENTIRE AGREEMENT. It is understood and agreed that all understandings and agreements had between the parties hereto are merged in this contract, which, with the exhibits, fully and completely expresses their agreement, and that the same is entered into after full investigation, neither party relying upon any statement or representation, not embodied in this contract, made by the other.

20. MODIFICATION. The Agreement may not be modified, changed or terminated orally. This Agreement may be modified or changed only with the prior written consent of both SELLERS and PURCHASER in each instance and any purported modification or change made without such consent shall be void. The stipulations aforesaid are to apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties.

21. NO ASSIGNMENT. This Agreement may not be assigned by SELLERS or PURCHASER without the prior written consent of parties in each instance and any purported assignment(s) made without such consent shall be void.

22. MISCELLANEOUS. If two or more persons constitute the SELLER, the word "SELLER" shall be construed as if it read "SELLERS" whenever the sense of this Agreement so requires.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto on the day and year first above written.

CAL HOLLOW FARMS

By: \_\_\_\_\_

TOWN OF RIVERHEAD

ATTEST: TOWN CLERK

BY: \_\_\_\_\_  
Vincent G. Villella  
Town Supervisor

\_\_\_\_\_  
Barbara Grattan  
Town Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Adam B. Grossman, Esq.  
Town Attorney

SCHEDULE "A"

ALL that of certain plot, piece or parcel of land situate, lying and being on Sound Avenue, in Town of Riverhead, County of Suffolk, and State of New York, consisting of the 25.956 acre parcel shown as Suffolk County Tax Map Number 0600-62-2-5.1.

## Schedule "B"

## DEED OF DEVELOPMENT RIGHTS

THIS INDENTURE, made the       day of August, 1999, between CAL HOLLOW FARMS, having offices at 2484 Sound Avenue, Calverton, New York, 11931, party of the first part, and the TOWN OF RIVERHEAD, a municipal corporation having its office and principal place of business at 200 Howell Avenue, Riverhead, New York, party of the second part;

WITNESSETH that the party of the first part, in consideration of Two Hundred Twenty Three Thousand Two Hundred Twenty One and 60/100 (\$223,221.60) Dollars and other good and valuable consideration paid by the party of the second part, DOES HEREBY GRANT AND RELEASE unto the party of the second part, its successors and assigns forever, THE DEVELOPMENT RIGHTS, by which is meant the permanent legal interest and right, as authorized by 247 of the New York State General Municipal Law, as amended, and Local Law 16-1981 of the County of Suffolk, to permit, require or restrict the use of the premises exclusively for agricultural production as that term is defined in Local Law 16-1981 of the County of Suffolk, and the right to preserve open space as that term is defined in 247 of the New York State General Municipal Law, as amended, and the right to prohibit or restrict the use of the premises for any purpose other than agricultural production, to the property described as follows:

ALL that piece or parcel of land, situated in the Town of Riverhead, County of Suffolk, and State of New York, more particularly bounded and described as follows: (see description annexed hereto and made a part hereof):

TO HAVE AND TO HOLD the said Development Rights in the premises herein granted unto the party of the second part, its successors and assigns, forever;

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid. The party of the first part, as a covenant running with the land in perpetuity, further covenants and agrees for the party of the first part, and the heirs, legal representatives, successors and assigns of the party of the first part, to use of the premises on and after the date of this instrument solely for the purpose of agricultural production.

THE development rights conveyed herein are subject to the further terms and provisions as set forth in a certain contract of sale between the parties hereto dated       as the same is recorded in the office of the Suffolk County Clerk on       in Liber cp       portions of which as contained herein have and will survive the delivery of this instrument of conveyance.

THE party of the first part, its heirs, assigns and/or party or parties in lawful possession of the premises subject to this deed of development rights, pursuant to lease, license, or other

arrangement, covenants and agrees that it will not remove any soil from the premises described herein.

THE party of the first part, its heirs, assigns and/or party or parties in lawful possession of the premises subject to the is deed of development rights, pursuant to lease, license, or other arrangement, covenants and agrees that it will (a) not generate, store or dispose of hazardous substances on the premises, nor allow others to do so; (b) comply with all Environmental Laws; (c) allow party of the second part and its agents reasonable access to the premises for the purposes of ascertaining site conditions and for inspection of the premises for compliance with this agreement. This covenant shall run with the land in perpetuity.

THE party of the first part, its heirs, assigns and/or party of parties in lawful possession of the premises subject to this deed of development rights, pursuant to lease, license, or other arrangement, covenants and agrees that it shall indemnify and hold party of the second part and any of its officers, agents employees, and their respective successors and assigns, harmless from and against any and all damages, claims, losses, liabilities and expenses, including, with out limitation, responsibility for legal, consulting, engineering and other costs and expenses which may arise out of (1) any inaccuracy or misrepresentation in any representation or warranty made by seller in this agreement; (2) the breach or non-performance of any covenants required by this agreement to be performed by the seller, either prior to or subsequent to the closing of title money damages, injunctive relief, remedial action, or other remedy by reason of a violation or non-compliance with any environmental law; or the disposal, discharge or release of solid wastes, pollutants or hazardous substances, or exposure to any chemical substances, noises or vibrations to the extent they arise from the ownership, operation, and/or condition of the premises prior to or subsequent to the execution of the deed of development rights. This covenant shall run with the land in perpetuity.

NOTWITHSTANDING the foregoing, it is the intention of the parties hereto that the party of the first part shall only be responsible pursuant to this indemnification for its acts and the acts of its heirs, assigns and/or party or parties in possession of the property which arose after it took title on \_\_\_\_\_ and party of the first part, its heirs, assign and/or party or parties in possession of the property shall not be responsible for damage occurring as a result of waste disposed on the premises prior to party of the first part taking title unless party of the first part had knowledge thereof.

THE WORD "PARTY" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF; the party of the first part has duly executed this deed the day and year first written above.

CAL HOLLOW FARMS

By: \_\_\_\_\_

Grantor

8/3/99

**Adopted**

## TOWN OF RIVERHEAD

Resolution # 732

**ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS – ARTHUR A.  
STAKEY  
(CHURCH LANE, AQUEBOGUE)**

COUNCILMAN LULL \_\_\_\_\_ offered the following resolution, which was seconded  
by COUNCILMAN CARDINALE \_\_\_\_\_:

**WHEREAS**, the Riverhead Farmland Preservation Committee ("the Committee") has received an offer for sale of development rights from Arthur A. Stakey, respecting 29 acres of real property located at Church Lane, Aquebogue, New York, such real property more particularly described as Suffolk County Tax Map number 0600-46-1-37.1; and

**WHEREAS**, the Committee has commissioned an appraisal of the value of development rights inherent in the subject real property; and

**WHEREAS**, the Committee has assessed the subject real property with respect to the criteria provided in the Agricultural Preservation Law and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of development rights from the property; and

**WHEREAS**, the Town Board has carefully considered the merits of the offer sale of development rights, the report of the Peconic Land Trust, the appraisal of development rights by Given Associates, the report of the Farmland Preservation Committee, the criteria set forth in the agricultural preservation law and all other pertinent planning, zoning and environmental information;

**NOW, THEREFORE BE IT RESOLVED**, that the Riverhead Town Board hereby accepts the offer of sale of development rights from the subject real property of Arthur A. Stakey, pursuant to Chapter 44, Section 44-5 B(2) of the Code of the Town of Riverhead; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract for purchase of development rights from the subject property in an amount not to exceed Eight Thousand Six Hundred Dollars (\$8,600.00) per acre; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Arthur A. Stakey, P.O. Box 501, Aquebogue, New

York, 11931; Mark Zaweski, 157 Pier Avenue, Riverhead, New York, 11901; Emilie Zilnicki, 493 Benito Street, East Meadow, New York, 11554; Frank Yakaboski, Esq., 456 Griffing Avenue, P.O. Box 389, Riverhead, New York, 11901; Peconic Land Trust, Attn: Julie Westnofske, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department, and the Office of the Town Attorney.

### THE VOTE

Cardinale ☒ Yes ☐ No    Kent ☒ Yes ☐ No  
 Kwasna ☒ Yes ☐ No    Lull ☒ Yes ☐ No  
 Vilella ☒ Yes ☐ No

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

**FARMLAND PURCHASE OF DEVELOPMENT RIGHTS  
PURCHASE AND SALE AGREEMENT  
between**

**MARK ZAWESKI and EMILIE ZILNICKI  
to**

**TOWN OF RIVERHEAD**

THIS AGREEMENT, made the    day of June, 1999, between MARK ZAWESKI residing at 157 Pier Avenue, Riverhead, New York, 11901 and EMILIE ZILNICKI, residing at 493 Bernito Street, East Meadow, New York, 11554, (hereinafter referred to as the "SELLERS") and the TOWN OF RIVERHEAD, a municipal corporation of the State of New York having its principal office at 200 Howell Avenue, Riverhead, New York, 11901 (hereinafter referred to as the "PURCHASER").

WITNESSETH:

1. DESCRIPTION. The SELLERS agree to sell and convey, and the PURCHASER agrees to purchase the Development Rights, as hereinafter defined, in ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Riverhead, County of Suffolk, and State of New York, more particularly bounded and described as set forth in the description annexed hereto as Schedule "A" hereinafter referred to as the "Property." The area and dimensions of said Property are, however, subject to such changes and modifications consistent with the area and dimensions as shown on a survey (see #11 herein).

2. DEVELOPMENT RIGHTS DEFINED. Development Rights as the term is used herein shall mean the permanent legal interest and right to prohibit or restrict the use of the Property for anything other than agricultural production as that term is defined in #301 of the New York Agriculture and Markets Law. The Development Rights to be acquired by the PURCHASER and the rights of the SELLERS are further defined and are set forth in the Deed of Development Rights attached hereto as Schedule "B" and made a part of this Agreement. The power and purpose of the PURCHASER is limited to acquiring the Development Rights in lands presently used or suitable for agricultural production, as described in the attached Schedule "B" and PURCHASER reserves the right, upon obtaining a survey and inspecting the premises in relation thereto, to hold an additional public hearing on the acquisition pursuant to §247 of the general Municipal Law and thereafter, either to cancel this Agreement if the premises are not entirely used or suitable for agricultural production or subject to SELLER'S further agreement to accept that portion of the premises which is suitable for agricultural production, as herein defined, in which case the price will be adjusted in proportion to the area deemed suitable using the unit price as herein set forth.

3. ALIENATION. Unless authorized by amendment to Chapter 44 of the Code of the Town of Riverhead entitled "Agricultural Lands Preservation Law of the Town of Riverhead", the development rights acquired by the Town of Riverhead pursuant to this contract, may be alienated exclusively for sale to the County of Suffolk. This provision is intended to serve as a covenant running with the land in perpetuity and the provisions of this paragraph shall survive delivery of the deed of development rights.

4. The SELLERS acknowledge that by the terms of this contract and the declarations in the deed, that it has been informed that neither the SELLERS, nor their heirs, successors in interest, successors in title or assignees shall be permitted to remove soil from the property to be covered by these development rights. The representation is intended to also serve as a covenant running forever with the land in perpetuity and the provisions of this paragraph shall survive delivery of this conveyance.

5. The SELLERS covenant and agree that the underlying fee title retained may not be subdivided into plots by the filing of a subdivision map pursuant to §276 and §277 of the Town Law and/or §335 of the Real Property Law. The underlying fee may be divided by conveyance of parts thereof to heirs and next of kin, by will or operation of law, or with the written recordable consent of the PURCHASER. Subdivision shall also be defined to include the division of land covered by the development rights into two or more parcels in whole or in part. The provisions of this section shall survive delivery of the instrument of conveyance and shall be considered a covenant running with the land in perpetuity and shall be binding upon the SELLERS, their heirs, successors and assigns, and shall inure to the benefit of the PURCHASER and its successors and assigns.

6. The SELLERS represent that the premises are agricultural land used for bona fide agricultural production as defined herein. At no time, to the SELLER'S knowledge, has the premises been used for the generation, storage, or disposal of hazardous substances, or as a landfill or other waste disposal site. There are not now, nor have there ever been, underground storage tanks, to the SELLER'S knowledge, on the premises. For the purpose of this contract, the use of farm chemicals, including, but not limited to pesticides and fertilizers, which are part of ordinary agricultural operations, shall not be considered hazardous substances.

7. PURCHASER, at its own cost and expense, may obtain an up-to-date environmental audit-site assessment of the premises, performed by a qualified environmental consultant approved by the PURCHASER, certifying the premises to be free of toxic and/or hazardous substance contamination. The environmental audit should include, but not be limited to, an historic search of government files, site reconnaissance, survey of adjacent properties, survey of soil conditions, survey of ground water conditions, identification of any suspected asbestos containing materials, and any other inspections and/or procedures deemed appropriate under current criteria. Notwithstanding anything to the contrary in the Agreement, the SELLERS shall have no liability or responsibility whatsoever to incur any expenses in connection with any condition shown in the environmental audit obtained by the PURCHASER. In the event that the PURCHASER is not satisfied with the condition shown in the environmental audit, its sole remedy shall be to terminate this Agreement.

8. BARGAIN SALE. SELLERS and PURCHASER agree that, pursuant to a qualified appraisal prepared by Patrick Given Associates and dated May 18, 1999, the fair market value of the development rights is in excess of the agreed upon sale price stated in Paragraph 9 herein. PURCHASER is a tax-exempt organization described under Sections 170(h)(3)(A) and 170(b)(1)(A)(v) of the Internal Revenue Code of 1986, contributions to which are deductible under Section 170(h). The SELLERS intend to make a charitable contribution to PURCHASER of the difference between the fair market value and the purchase price paid by the PURCHASER, pursuant to Section 1011(b) of the Internal Revenue Code. PURCHASER agrees to execute and deliver to SELLERS

whatever documents may be required by SELLERS in order to certify the charitable contribution to be claimed by SELLERS pursuant to this provision.

9. PURCHASE PRICE. The agreed purchase price is Two Hundred Forty Nine Thousand and Four Hundred Dollars (\$249,400.00) for the 29 acres contemplated to be encumbered under this Agreement, based upon a value of Eight Thousand Six Hundred Dollars (\$8,600) per acre, and subject to a final survey of the premises (see #11 herein). PURCHASER and SELLERS hereby agree that if the final survey shows that the total acreage of the premises is different from the 29 acre figure used by PURCHASER in determining the purchase price of \$249,400.00, the final purchase price will be adjusted at a rate of \$8,600.00 per acre for each additional or subtracted acre of portion thereof.

10. CLOSING DATE/LOCATION. The closing shall take place within ninety (90) days of the execution, by both SELLERS and PURCHASER, of this document. The closing shall take place at the office of the Town Attorney, Town Hall, 200 Howell Avenue, Riverhead, New York or such other location within Suffolk County of PURCHASER'S choice, unless otherwise agreed in writing. The delivery to and acceptance of the Deed of Development Rights by PURCHASER, receipt of a title policy for the premises in form and substance acceptable to PURCHASER, and the disbursement of the purchase price to SELLERS shall constitute the "Closing."

11. SURVEY. PURCHASER will have the Property surveyed by a licensed land surveyor, to determine the actual acreage of the area upon which the Development Rights are to be sold. The cost of the survey of the Property shall be born solely by the PURCHASER.

12. FORM OF EASEMENT. The Grant of the Development Rights to be executed by SELLERS and delivered to PURCHASER at the closing shall be in the form approved by the Town Attorney, and shall be in substantially the form which is annexed hereto as Schedule "B." The Deed of Development Rights shall be duly executed and acknowledged also as to convey to the PURCHASER the Development Rights of the said premises, free of all liens and encumbrances, except as herein stated, and shall be recorded in the Office of the Suffolk County Clerk. PURCHASER shall be responsible for the recording fees in connection with the Deed of Development Rights.

If the SELLERS are a corporation, it will deliver to the PURCHASER at the time of the delivery of the Deed of Development Rights hereunder a resolution of its board of directors authorizing the sale and delivery of the Deed of Development Rights, and a certificate by the secretary or assistant secretary of the corporation certifying such resolution and setting forth facts showing that the conveyance is in conformity with the requirements of #909 of the Business Corporation Law. The Deed of Development Rights in such case shall contain a recital sufficient to establish compliance with said section.

13. INSURABLE TITLE. The PURCHASER may make its determination of whether the Property is free from all encumbrances, except as set forth in Paragraph 14, on the basis of its own examination of the title, or that of its agents, or a title report of a member company of the New York Board of title Underwriters having offices in Suffolk County and may require the SELLERS to clear title exceptions raised to the satisfaction of the PURCHASERS, and if any is involved, the title company. In the event that the SELLERS are unable to convey the Deed of Development Rights free from all

encumbrances in accordance with the terms of this agreement, then this agreement shall be considered canceled with neither party having any further obligation to the other.

14. ACCEPTABLE ENCUMBRANCES. The SELLERS shall convey and the PURCHASER shall accept the Deed of Development Rights subject to existing covenants and easements of record, and a mortgage of record. In the event the property is to be conveyed subject to a mortgage, SELLERS shall include and record with the Deed of Development Rights the written consent of the mortgagee. The Deed of Development Rights may also be conveyed subject to the assessment of real property taxes, provided that at the time of Closing, all real property taxes are paid in full for the current tax (lien) year with no arrears. All other encumbrances, liens, assessments, charges, judgements, estates, taxes and other limitations shall be satisfied on or prior to Closing.

15. USE OF MONEY TO CLEAR TITLE. If at the date of closing there may be any other liens or encumbrances which the SELLERS are obligated to pay and discharge, the SELLERS may use any portion of the balance of the purchase price to satisfy the same, provided the SELLERS shall simultaneously either deliver to the PURCHASER at the closing of title instruments in recordable form and sufficient to satisfy such liens and encumbrances of record together with the cost of recording and of filing said instruments. The SELLERS also agree to provide duly executed Internal Revenue Service Form W-9 and to sign such property vouchers for the closing check(s) as may be requested by the Town Fiscal Officer at least three (3) weeks prior to the date fixed for closing. The PURCHASER, if request is made within a reasonable time prior to the date of closing title, agrees to provide at the closing separate checks as requested, aggregating the amount of the purchase price, to facilitate the satisfaction of any such liens and encumbrances shall not be deemed objections to title if the SELLERS shall comply with the foregoing requirements.

16. AFFIDAVITS AS TO JUDGEMENTS. If a search of the title discloses judgements, bankruptcies or other returns against other persons having names the same or similar to that of the SELLERS, the SELLERS will, on request, deliver to the PURCHASER an affidavit showing such judgements, bankruptcies or other returns are not against SELLERS, if such is the case.

17. PUBLIC DISCLOSURE STATEMENT. The SELLERS, simultaneously with the execution and delivery of this Agreement, has also delivered the required verified public disclosure statement for filing with the Town Fiscal Officer. At the time of the closing, the SELLERS shall submit a then applicable such statement or a sworn statement that there have been no changes in interest since the date of this Agreement. Any evidence of a conflict of interest or prohibited contractual relationship shall require approval of the contract and sale by the Supreme Court.

18. BROKER. The parties agree that no broker brought about this sale.

19. ENTIRE AGREEMENT. It is understood and agreed that all understandings and agreements had between the parties hereto are merged in this contract, which, with the exhibits, fully and completely expresses their agreement, and that the same is entered into after full investigation, neither party relying upon any statement or representation, not embodied in this contract, made by the other.

20. MODIFICATION. The Agreement may not be modified, changed or terminated orally. This Agreement may be modified or changed only with the prior written consent of both SELLERS and PURCHASER in each instance and any purported modification or change made without such consent shall be void. The stipulations aforesaid are to apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties.

21. NO ASSIGNMENT. This Agreement may not be assigned by SELLERS or PURCHASER without the prior written consent of parties in each instance and any purported assignment(s) made without such consent shall be void.

22. MISCELLANEOUS. If two or more persons constitute the SELLER, the word "SELLER" shall be construed as if it read "SELLERS" whenever the sense of this Agreement so requires.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto on the day and year first above written.

\_\_\_\_\_  
Mark Zaweski  
SELLER

\_\_\_\_\_  
Emilie Zilnicki  
SELLER

TOWN OF RIVERHEAD

ATTEST: TOWN CLERK

BY: \_\_\_\_\_  
Vincent G. Villella  
Town Supervisor

\_\_\_\_\_  
Barbara Grattan  
Town Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Adam B. Grossman, Esq.  
Town Attorney

SCHEDULE "A"

ALL that of certain plot, piece or parcel of land situate, lying and being on Sound Avenue, in Town of Riverhead, County of Suffolk, and State of New York, consisting of the 29 acre parcel shown as Suffolk County Tax Map Number 0600-46-1-37.1.

## Schedule "B"

## DEED OF DEVELOPMENT RIGHTS

THIS INDENTURE, made the      day of June, 1999, between MARK ZAWESKI, residing at 157 Pier Avenue, Riverhead, New York, 11901 and EMILIE ZILNICKI, residing at 493 Bernito Street, East Meadow, New York, 11554, party of the first part, and the TOWN OF RIVERHEAD, a municipal corporation having its office and principal place of business at 200 Howell Avenue, Riverhead, New York, party of the second part;

WITNESSETH that the party of the first part, in consideration of Two Hundred Forty Nine Thousand Four Hundred (\$249,400.00) Dollars and other good and valuable consideration paid by the party of the second part, DOES HEREBY GRANT AND RELEASE unto the party of the second part, its successors and assigns forever, THE DEVELOPMENT RIGHTS, by which is meant the permanent legal interest and right, as authorized by 247 of the New York State General Municipal Law, as amended, and Local Law 16-1981 of the County of Suffolk, to permit, require or restrict the use of the premises exclusively for agricultural production as that term is defined in Local Law 16-1981 of the County of Suffolk, and the right to preserve open space as that term is defined in 247 of the New York State General Municipal Law, as amended, and the right to prohibit or restrict the use of the premises for any purpose other than agricultural production, to the property described as follows:

ALL that piece or parcel of land, situated in the Town of Riverhead, County of Suffolk, and State of New York, more particularly bounded and described as follows: (see description annexed hereto and made a part hereof):

TO HAVE AND TO HOLD the said Development Rights in the premises herein granted unto the party of the second part, its successors and assigns, forever;

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid. The party of the first part, as a covenant running with the land in perpetuity, further covenants and agrees for the party of the first part, and the heirs, legal representatives, successors and assigns of the party of the first part, to use of the premises on and after the date of this instrument solely for the purpose of agricultural production.

THE development rights conveyed herein are subject to the further terms and provisions as set forth in a certain contract of sale between the parties hereto dated      as the same is recorded in the office of the Suffolk County Clerk on      in Liber cp      portions of which as contained herein have and will survive the delivery of this instrument of conveyance.

THE party of the first part, its heirs, assigns and/or party or parties in lawful possession of the premises subject to this deed of development rights, pursuant to lease, license, or other

arrangement, covenants and agrees that it will not remove any soil from the premises described herein.

THE party of the first part, its heirs, assigns and/or party or parties in lawful possession of the premises subject to the is deed of development rights, pursuant to lease, license, or other arrangement, covenants and agrees that it will (a) not generate, store or dispose of hazardous substances on the premises, nor allow others to do so; (b) comply with all Environmental Laws; (c) allow party of the second part and its agents reasonable access to the premises for the purposes of ascertaining site conditions and for inspection of the premises for compliance with this agreement. This covenant shall run with the land in perpetuity.

THE party of the first part, its heirs, assigns and/or party of parties in lawful possession of the premises subject to this deed of development rights, pursuant to lease, license, or other arrangement, covenants and agrees that it shall indemnify and hold party of the second part and any of its officers, agents employees, and their respective successors and assigns, harmless from and against any and all damages, claims, losses, liabilities and expenses, including, with out limitation, responsibility for legal, consulting, engineering and other costs and expenses which may arise out of (1) any inaccuracy or misrepresentation in any representation or warranty made by seller in this agreement; (2) the breach or non-performance of any covenants required by this agreement to be performed by the seller, either prior to or subsequent to the closing of title money damages, injunctive relief, remedial action, or other remedy by reason of a violation or non-compliance with any environmental law; or the disposal, discharge or release of solid wastes, pollutants or hazardous substances, or exposure to any chemical substances, noises or vibrations to the extent they arise from the ownership, operation, and/or condition of the premises prior to or subsequent to the execution of the deed of development rights. This covenant shall run with the land in perpetuity.

NOTWITHSTANDING the foregoing, it is the intention of the parties hereto that the party of the first part shall only be responsible pursuant to this indemnification for its acts and the acts of its heirs, assigns and/or party or parties in possession of the property which arose after it took title on and party of the first part, its heirs, assign and/or party or parties in possession of the property shall not be responsible for damage occurring as a result of waste disposed on the premises prior to party of the first part taking title unless party of the first part had knowledge thereof.

THE WORD "PARTY" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF; the party of the first part has duly executed this deed the day and year first written above.

\_\_\_\_\_  
MARK ZAWESKI  
Grantor

\_\_\_\_\_  
EMILIE ZILNICKI  
Grantor

# Adopted

## TOWN OF RIVERHEAD

Resolution # 733

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST  
A HELP WANTED AD FOR FULL TIME BUS DRIVER  
IN THE DEPARTMENT OF SENIOR CITIZEN PROGRAMS**

COUNCILMAN CARDINALE

\_\_\_\_\_ offered the following

COUNCILMAN KENT

resolution, which was seconded by \_\_\_\_\_

**BE IT RESOLVED**, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the August 5, 1999 issue of The News Review

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the Nutrition Department.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐  
THEREUPON DULY DECLARED ADOPTED

## HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individuals to serve in the positions of Full Time Bus Driver in the Department of Senior Citizen Programs. The Town requests that all applicants have a clean, valid CDL with passenger endorsements. Applications are to be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY, between the hours of 8:30am and 4:30pm. Monday through Friday. No applications will be accepted after 4:00pm on Wednesday, August 11, 1999. The Town of Riverhead does not discriminate on the basis of age, race, color, national origin, sex or handicapped status in the employment or provision of services.

BY ORDER OF:  
THE RIVERHEAD TOWN BOARD  
BARBARA GRATTAN, TOWN CLERK

# Adopted

August 3, 1999

## TOWN OF RIVERHEAD

Resolution # 734

### NOMINATES PARCELS TO THE SUFFOLK COUNTY GREENWAYS PROGRAM

COUNCILMAN KENT

offered the following resolution which

COUNCILMAN KWASNA

was seconded by

**WHEREAS**, pursuant to Chapter 44 of the Riverhead Town Code, the Town does maintain a listing of parcels from which development rights might be purchased by the Town, and

**WHEREAS**, the Town desires to nominate several of these properties for consideration with regard to Suffolk County purchase through the Greenways Program, now

### THEREFORE, BE IT

**RESOLVED**, that the Town Board of the Town of Riverhead hereby requests that the County of Suffolk take those steps necessary to purchase development from the following parcels pursuant to funding reserved through the Greenways Program:

<u>PROPERTY OWNER</u>	<u>SCTM NO.</u>	<u>ACREAGE</u>
Cal Hollow Farms	0600-62-2-5.1	25.4
Mark Zaweski	0600-46-1-37.1	34.8
Benny Gatz	0600-21-2-6.1	35.0
Alberta Young	0600-20-1-2.1	81.7
Fred & Lois Reeve	0600-8-2-12.4 & 12.5	24.1
Louis Caracciolo	0600-48-3-6 & 0600-9-2-5.4	20.2 31.2

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

8/3/99

Adopted

TOWN OF RIVERHEAD

Resolution # 735

**AUTHORIZES THE SUPERVISOR TO EXECUTE A SITE MANAGEMENT AGREEMENT BETWEEN EAST END AIRCRAFT L.I. CORP. AND THE TOWN OF RIVERHEAD**

COUNCILMAN KWASNA

\_\_\_\_\_ offered the following resolution, was seconded by

COUNCILMAN LULL

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to enter into and execute a Site Management Agreement in connection with the establishment of a monument for permanent display consisting of an F-14 aircraft together with pedestal and support to be located at the former Grumman facility; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the East end Aircraft L.I. Corp., 300 South River Road, Calverton, New York, 11933; Andrea Lohneiss, Director of the Community Development Agency; the Planning Department and the Office of the Town Attorney.

**THE VOTE**

Cardinale ☒ Yes \_\_\_ No \_\_\_ Kent ☒ Yes \_\_\_ No \_\_\_

Kwasna ☒ Yes \_\_\_ No \_\_\_ Lull ☒ Yes \_\_\_ No \_\_\_

Villella ☒ Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS ☒ WAS NOT \_\_\_

THEREUPON DULY DECLARED ADOPTED

SITE MANAGEMENT AGREEMENT

BETWEEN

EAST END AIRCRAFT L.I. CORP.

AND

THE TOWN OF RIVERHEAD

**THIS AGREEMENT**, entered into the       day of August, 1999 by and between EAST END AIRCRAFT L.I. CORP., a non-profit organization duly organized under the laws of the State of New York with its principal office located at 300 South River Road, Calverton, New York, 11933, hereinafter referred to as "EAST END" and the TOWN OF RIVERHEAD, a municipal corporation, with its principal offices located at 200 Howell Avenue, Riverhead, New York, 11901, hereinafter referred to as "TOWN".

**W I T N E S S E T H**

**WHEREAS**, by Resolution #651 adopted on July 20, 1999, the Town Board of the Town of Riverhead approved the site plan (Phase I) of EAST END located at Route 25, Calverton, New York; and

**WHEREAS**, EAST END desires to establish a monument for permanent display consisting of an F-14 aircraft leased by the Town from the U.S. Navy as a memorial to the thousands of dedicated employees of Grumman Aerospace who worked and lived in our community for over forty years; and

**WHEREAS**, EAST END has offered to place the F-14 aircraft upon a pedestal and support and to construct and maintain the necessary off street parking as depicted upon the approved site plan.

**BE IT FURTHER UNDERSTOOD AND AGREED** that the conditions and agreements contained within this agreement shall be binding upon the parties hereto and upon their respective successors, executors and administrators.

**IN WITNESS WHEREOF**, the parties have caused these presents to be signed by their proper corporate officers and caused their proper corporate seals to be affixed hereto the day and year first written above.

EAST END AIRCRAFT LI CORP.

By: \_\_\_\_\_

TOWN OF RIVERHEAD

By: \_\_\_\_\_

8/3/99

Adopted

## TOWN OF RIVERHEAD

Resolution # 736

## AUTHORIZES APPLICATION FOR STATE ASSISTANCE

Councilman Kent offered the following resolution, was seconded by

Councilman Cardinale

WHEREAS, the Town of Riverhead desires to reduce discharge of marine mammal tank water into the Peconic Bay; and

WHEREAS, New York State Bond Act funds are available for pollution prevention projects with a 50% local match requirement; and

WHEREAS, James Bissett, III, managing member of Atlantis Holding Company, LLC, and Atlantic Marine World, LLC, has committed to provide the \$40,000 local match in cash and in-kind services required for eligibility of the project; and

WHEREAS, the Riverhead Town Board acknowledges and stipulates that the \$40,000 cash and in-kind match is to be made to the Town of Riverhead as grantee and shall not offset the annual contribution to be made by Atlantis Marine World, LLC to the RFMRP in the amount of \$90,000.

THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes the submission of an application for State Assistance Payments under the Pollution Prevention Program for funding in the amount of \$40,000.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Director Andrea Lohneiss, RFMRP President Michael Tortorice and James Bissett, III, Atlantis marine World, LLC.

THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Mont	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

8/3/99

**Adopted**

TOWN OF RIVERHEAD  
Resolution # 737

**APPOINTS DEPUTY SUPERVISOR**

Councilman Cardinale OFFERED THE FOLLOWING RESOLUTION

WHICH WAS SECONDED BY Councilman Kwasna

**WHEREAS**, the term of Phil Cardinale's appointment as of Deputy Supervisor expired on June 30, 1999; and

**WHEREAS**, it is the recommendation of the Supervisor that Councilman Kent hold that position; and

**WHEREAS**, Councilman Kent has agreed to accept the responsibilities of the position of Deputy Supervisor.

**NOW, THEREFORE, BE IT RESOLVED**, that effective today, August 3, 1999, Councilman Christopher Kent is hereby appointed to the position of Deputy Supervisor for a term ending December 31, 1999; and

**BE IT FURTHER RESOLVED**, that there shall be no additional compensation for this position; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Councilman Chris Kent, the Office of the Supervisor and the Office of Accounting.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> <i>abstain</i>	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Luli	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED



RESOLUTION # **738** ABSTRACT #31-99 JULY 29, 1999 (TBM 8/99)

offered the following Resolution which was seconded by

FUND NAME		CD-NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$ -	\$ 444,480.20	\$ 444,480.20
PARKING METER	002	\$ -	\$ -	\$ -
AMBULANCE	003	\$ -	\$ -	\$ -
POLICE ATHLETIC LEAGUE	004	\$ -	\$ -	\$ -
TEEN CENTER	005	\$ -	\$ -	\$ -
RECREATION PROGRAM	006	\$ -	\$ 14,678.01	\$ 14,678.01
SR NUTRITION SITE COUNCIL	007	\$ -	\$ -	\$ -
D.A.R.E. PROGRAM FUND	008	\$ -	\$ -	\$ -
CHILD CARE CENTER BUILDING FUND	009	\$ -	\$ -	\$ -
YOUTH COURT SCHOLARSHIP FUND	026	\$ -	\$ -	\$ -
SRS DAYCARE BUILDING FUND	027	\$ -	\$ 1,100.62	\$ 1,100.62
COMMUNITY P.E.T.S. SHELTER	028	\$ -	\$ -	\$ -
HIGHWAY	111	\$ -	\$ 60,147.28	\$ 60,147.28
WATER	112	\$ -	\$ 794,496.97	\$ 794,496.97
REPAIR & MAINTENANCE	113	\$ -	\$ -	\$ -
SEWER	114	\$ -	\$ 242,403.46	\$ 242,403.46
REFUSE & GARBAGE COLLECTION	115	\$ -	\$ 144,212.48	\$ 144,212.48
STREET LIGHTING	116	\$ -	\$ 6,981.39	\$ 6,981.39
PUBLIC PARKING	117	\$ -	\$ 17,453.48	\$ 17,453.48
BUSINESS IMPROVEMENT DISTRICT	118	\$ -	\$ 1,675.00	\$ 1,675.00
TOR URBAN DEV CORP TRUST ACCT	119	\$ -	\$ -	\$ -
AMBULANCE DISTRICT	120	\$ -	\$ -	\$ -
WORKER'S COMPENSATION FUND	173	\$ -	\$ 34,106.61	\$ 34,106.61
HOSPITALIZATION SELF INSURANCE	174	\$ -	\$ -	\$ -
RISK RETENTION FUND	175	\$ -	\$ 2,437.62	\$ 2,437.62
UNEMPLOYMENT INSURANCE FUND	176	\$ -	\$ -	\$ -
MAIN STREET REHAB PROGRAM	177	\$ -	\$ -	\$ -
REVOLVING LOAN PROGRAM	178	\$ -	\$ -	\$ -
RESIDENTIAL REHAB	179	\$ -	\$ -	\$ -
DISCRETIONARY/SMALL CITIES	180	\$ -	\$ -	\$ -
CDBG CONSORTIUM ACCOUNT	181	\$ -	\$ 5,171.76	\$ 5,171.76
URBAN DEVEL CORP WORKING	182	\$ -	\$ -	\$ -
RESTORE	184	\$ -	\$ -	\$ -
PUBLIC PARKING DEBT	381	\$ -	\$ -	\$ -
SEWER DISTRICT DEBT	382	\$ -	\$ -	\$ -
WATER DEBT	383	\$ -	\$ -	\$ -
GENERAL FUND DEBT SERVICE	384	\$ -	\$ -	\$ -
SCAVENGER WASTE DEBT	386	\$ -	\$ -	\$ -
COMM DEVEL AGENCY CAP PROJECT	406	\$ -	\$ -	\$ -
TOWN HALL CAPITAL PROJECTS	406	\$ -	\$ 28,129.18	\$ 28,129.18
EIGHT HUNDRED SERIES	408	\$ -	\$ -	\$ -
WATER IMPROVEMENT CAP PROJ	409	\$ -	\$ -	\$ -
NUTRITION CAPITAL IMPS	441	\$ -	\$ -	\$ -
CIIPS	451	\$ -	\$ -	\$ -
YOUTH SERVICES	452	\$ -	\$ 1,766.39	\$ 1,766.39
SENIORS HELPING SENIORS	453	\$ -	\$ 6,804.24	\$ 6,804.24
EISEP	454	\$ -	\$ 872.96	\$ 872.96
SCAVENGER WASTE CAP PROJ	470	\$ -	\$ -	\$ -
MUNICIPAL FUEL FUND	625	\$ -	\$ 6,436.42	\$ 6,436.42
MUNICIPAL GARAGE	626	\$ -	\$ 3,827.86	\$ 3,827.86
TRUST & AGENCY	735	\$ -	\$ 517,062.67	\$ 517,062.67
SPECIAL TRUST	736	\$ -	\$ 10,500.00	\$ 10,500.00
CDA-CALVERTON	914	\$ -	\$ 131,623.14	\$ 131,623.14
COMMUNITY DEVELOPMENT AGENCY	916	\$ -	\$ -	\$ -
JOINT SCAVENGER WASTE	918	\$ -	\$ 10,736.09	\$ 10,736.09
CENTRAL CLEARING ACCOUNT	999	\$ -	\$ -	\$ -
TOTALS		\$ -	\$ 2,485,101.61	\$ 2,485,101.61

RESOLUTION # **738** ABSTRACT #30-99 JULY 22, 1999 (TBM 8/3/99)

offered the following Resolution which was seconded by

FUND NAME		CD-NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$ -	\$ 193,827.34	\$ 193,827.34
PARKING METER	002	\$ -	\$ -	\$ -
AMBULANCE	003	\$ -	\$ -	\$ -
POLICE ATHLETIC LEAGUE	004	\$ -	\$ 1,722.49	\$ 1,722.49
TEEN CENTER	005	\$ -	\$ 324.65	\$ 324.65
RECREATION PROGRAM	006	\$ -	\$ 3,118.65	\$ 3,118.65
SR NUTRITION SITE COUNCIL	007	\$ -	\$ -	\$ -
D.A.R.E. PROGRAM FUND	008	\$ -	\$ -	\$ -
CHILD CARE CENTER BUILDING FUND	009	\$ -	\$ 109.29	\$ 109.29
YOUTH COURT SCHOLARSHIP FUND	025	\$ -	\$ -	\$ -
SRS DAYCARE BUILDING FUND	027	\$ -	\$ -	\$ -
HIGHWAY	111	\$ -	\$ 17,293.11	\$ 17,293.11
WATER	112	\$ -	\$ 30,445.71	\$ 30,445.71
REPAIR & MAINTENANCE	113	\$ -	\$ -	\$ -
SEWER	114	\$ -	\$ 21,007.85	\$ 21,007.85
REFUSE & GARBAGE COLLECTION	115	\$ -	\$ 1,838.98	\$ 1,838.98
STREET LIGHTING	116	\$ -	\$ 2,421.13	\$ 2,421.13
PUBLIC PARKING	117	\$ -	\$ 719.82	\$ 719.82
BUSINESS IMPROVEMENT DISTRICT	118	\$ -	\$ 114.50	\$ 114.50
TOR URBAN DEV CORP TRUST ACCT	119	\$ -	\$ -	\$ -
AMBULANCE DISTRICT	120	\$ -	\$ 358.44	\$ 358.44
WORKER'S COMPENSATION FUND	173	\$ -	\$ 20,949.14	\$ 20,949.14
HOSPITALIZATION SELF INSURANCE	174	\$ -	\$ -	\$ -
RISK RETENTION FUND	175	\$ -	\$ 3,796.00	\$ 3,796.00
UNEMPLOYMENT INSURANCE FUND	176	\$ -	\$ -	\$ -
MAIN STREET REHAB PROGRAM	177	\$ -	\$ -	\$ -
REVOLVING LOAN PROGRAM	178	\$ -	\$ -	\$ -
RESIDENTIAL REHAB	179	\$ -	\$ -	\$ -
DISCRETIONARY/SMALL CITIES	180	\$ -	\$ -	\$ -
CDBG CONSORTIUM ACCOUNT	181	\$ -	\$ -	\$ -
URBAN DEVEL CORP WORKING	182	\$ -	\$ 130.04	\$ 130.04
RESTORE	184	\$ -	\$ -	\$ -
PUBLIC PARKING DEBT	381	\$ -	\$ -	\$ -
SEWER DISTRICT DEBT	382	\$ -	\$ -	\$ -
WATER DEBT	383	\$ -	\$ -	\$ -
GENERAL FUND DEBT SERVICE	384	\$ -	\$ -	\$ -
SCAVENGER WASTE DEBT	385	\$ -	\$ -	\$ -
COMM DEVEL AGENCY CAP PROJECT	405	\$ -	\$ -	\$ -
TOWN HALL CAPITAL PROJECTS	406	\$ -	\$ -	\$ -
EIGHT HUNDRED SERIES	408	\$ -	\$ 133,293.88	\$ 133,293.88
WATER IMPROVEMENT CAP PROJ	409	\$ -	\$ -	\$ -
NUTRITION CAPITAL IMPS	441	\$ -	\$ -	\$ -
CHIPS	451	\$ -	\$ -	\$ -
YOUTH SERVICES	452	\$ -	\$ -	\$ -
SENIORS HELPING SENIORS	453	\$ -	\$ 633.38	\$ 633.38
EISEP	454	\$ -	\$ 66.79	\$ 66.79
SCAVENGER WASTE CAP PROJ	470	\$ -	\$ 76.64	\$ 76.64
MUNICIPAL FUEL FUND	625	\$ -	\$ -	\$ -
MUNICIPAL GARAGE	626	\$ -	\$ 28.46	\$ 28.46
TRUST & AGENCY	735	\$ -	\$ 2,204.91	\$ 2,204.91
SPECIAL TRUST	736	\$ -	\$ 11,548.45	\$ 11,548.45
CDA-CALVERTON	914	\$ -	\$ -	\$ -
COMMUNITY DEVELOPMENT AGENCY	915	\$ -	\$ -	\$ -
JOINT SCAVENGER WASTE	918	\$ -	\$ -	\$ -
CENTRAL CLEARING ACCOUNT	999	\$ -	\$ 2,771.10	\$ 2,771.10
TOTALS		\$ -	\$ 448,799.75	\$ 448,799.75

# Adopted

August 3, 1999

## TOWN OF RIVERHEAD

Resolution # 739

### EXTENDS SITE PLAN APPROVAL OF SPLISH-SPLASH AT ADVENTURE ISLAND, INC.

COUNCILMAN KWASNA

offered the following resolution which

was seconded by COUNCILMAN LULL

**WHEREAS**, by resolution #753 of 1996, the Riverhead Town Board did approve a site plan petition of Splish-Splash at Adventureland, Inc. for the construction of a restaurant and associated amenities upon real property located at Route 25, Calverton; such real property more particularly described as Suffolk County Tax Map parcel No. 0600-118-1-3.1, and

**WHEREAS**, Section 108-128 of the Town Code provides that such site plan approval shall remain in effect for a term of 36 months, with a discretionary approval of an additional 12 month extension by the Town Board upon the request of the applicant, and

**WHEREAS**, Allen M. Smith, Esq. as attorney for the applicant has requested that the original site plan approval be extended for a period of 12 months, and

**WHEREAS**, the Town Board desires to grant such extension, now

**THEREFORE, BE IT**

**RESOLVED**, that in the matter of the site plan petition of Splish-Splash at Adventure Island, Inc., the Riverhead Town Board hereby extends such site plan approval for an additional term of 12 months to lapse on October 2, 2000, and

**BE IT FURTHER**

**RESOLVED**, that a certified copy of this resolution be forwarded to Allen M. Smith as attorney for the applicant.

### THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

THEREUPON DULY DECLARED ADOPTED

107.ado  
8/3/99

# TOWN OF RIVERHEAD

Resolution # 740

## ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE TO ADD ARTICLE XXXXII – ADULT USE DISTRICT

COUNCILMAN KWASNA offered the following resolution, was seconded by

COUNCILMAN LULL :

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108, entitled "Zoning" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 3rd day of August, 1999 at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that the local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the **News Review** and to post same on the signboard at Town Hall; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Planning Department; the Riverhead Planning Board; the Zoning Board of Appeals; the Code Revision Committee; the Building Department and the Town Attorney's Office.

**THE VOTE**

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ☒ WAS NOT ☐

**THEREUPON DULY DECLARED ADOPTED**

107.ado

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled " Zoning" of the Riverhead Town Code to add Article XXXXII – Adult Use District, at its regular meeting held on August 3, 1999.

A copy of the entire text of the adopted local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

Dated: Riverhead, New York  
August 3, 1999

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD**

**BARBARA GRATTAN, Town Clerk**

**ARTICLE XXXXII**  
**Adult Use District**

**§108-222. Uses allowable as special exception; findings; intent.**

- A. Adult uses shall be allowable in any industrial district only as a special exception by the Town Board.
- B. Purposes and considerations.
  - (1) In the execution of this Article, it is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one (1) area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.
  - (2) It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Town of Riverhead.
  - (3) These special regulations are itemized in the Article to accomplish the primary purposes of preventing a concentration of these uses in any one (1) area and restricting their accessibility to minors.

**§108-223. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**ADULT BOOKSTORE** – An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and videotapes and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

**ADULT DRIVE-IN THEATER** – A drive-in theater that customarily presents motion pictures that is not open to the public generally but excludes any minor by reason of age.

**ADULT ENTERTAINMENT CABARET** – A public or private establishment which presents topless dancers, strippers male or female impersonators or exotic dancers or other similar entertainments and which establishments are customarily not open to the public generally but excludes any minor by reason of age.

**ADULT MOTEL** – A motel which is not open to the public generally but excludes minors by

reason of age or which makes available to its patrons in their rooms films, slides shows or videotapes which if presented in a public movie theater would not be open to the public generally but would exclude any minor by reason of age.

**ADULT THEATER** – A theater that customarily presents motion pictures, films or videotapes or slide shows that is not open to the public generally but excludes any minor by reason of age.

**ADULT TATTOO PARLOR** – An establishment having as a substantial or significant portion of its stock-in-trade providing tattoos and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

**PEEP SHOW** – A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

**§108-224. Restriction on location of adult uses.**

The adult uses as defined §108-223 above are to be restricted as to location in the following manner in addition to any other requirements of this Code:

- A. Any of the above uses shall not be located within a five-hundred-foot radius of any area zoned for residential use.
- B. Any of the above uses shall not be located within a one-half-mile radius of another such use.
- C. Any of the above uses shall not be located with a five-hundred-foot radius of any school, church or other place of religious worship, park, playground or playing field.

**§108-225. Conditions for waiver of restrictions.**

The restrictions enumerated in §108-224 above may be waived by the Town Zoning Board of Appeals if the applicant shows and the Board finds that the following conditions have been met in addition to the general conditions contained in this chapter:

- A. The proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and interest of this Article will be observed;
- B. The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and
- C. Fifty-one percent (51%) or more of the property owners within the restricted area as defined in §108-224 have signed a petition stating that they have no objection to

the establishment of one of the uses defined above.

**§108-226. Density of adult uses on lot.**

No more than one (1) of the adult uses as defined above shall be located on any lot.

**§108-227. Termination of legal nonconforming uses.**

By amortization, the right to maintain a legal nonconforming adult use shall terminate in accordance with the following schedule:

<b>Amount of Capital Investment<sup>1</sup> as of The Effective Date Of this Article</b>	<b>Date Before Which Use Shall Terminate</b>
0 to 5,000	January 1, 2000
5,001 to 8,000	January 1, 2001
8,001 to 15,000	January 1, 2002
15,001 to 22,000	January 1, 2003
22,001 or more	January 1, 2004

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<sup>1</sup> NOTE: The term "capital investment" as used above, is defined to mean the initial outlay by the owner or operator of the use to establish the business as of the date of the enactment of this Article, exclusive of the fair market value in which the use is located.